This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

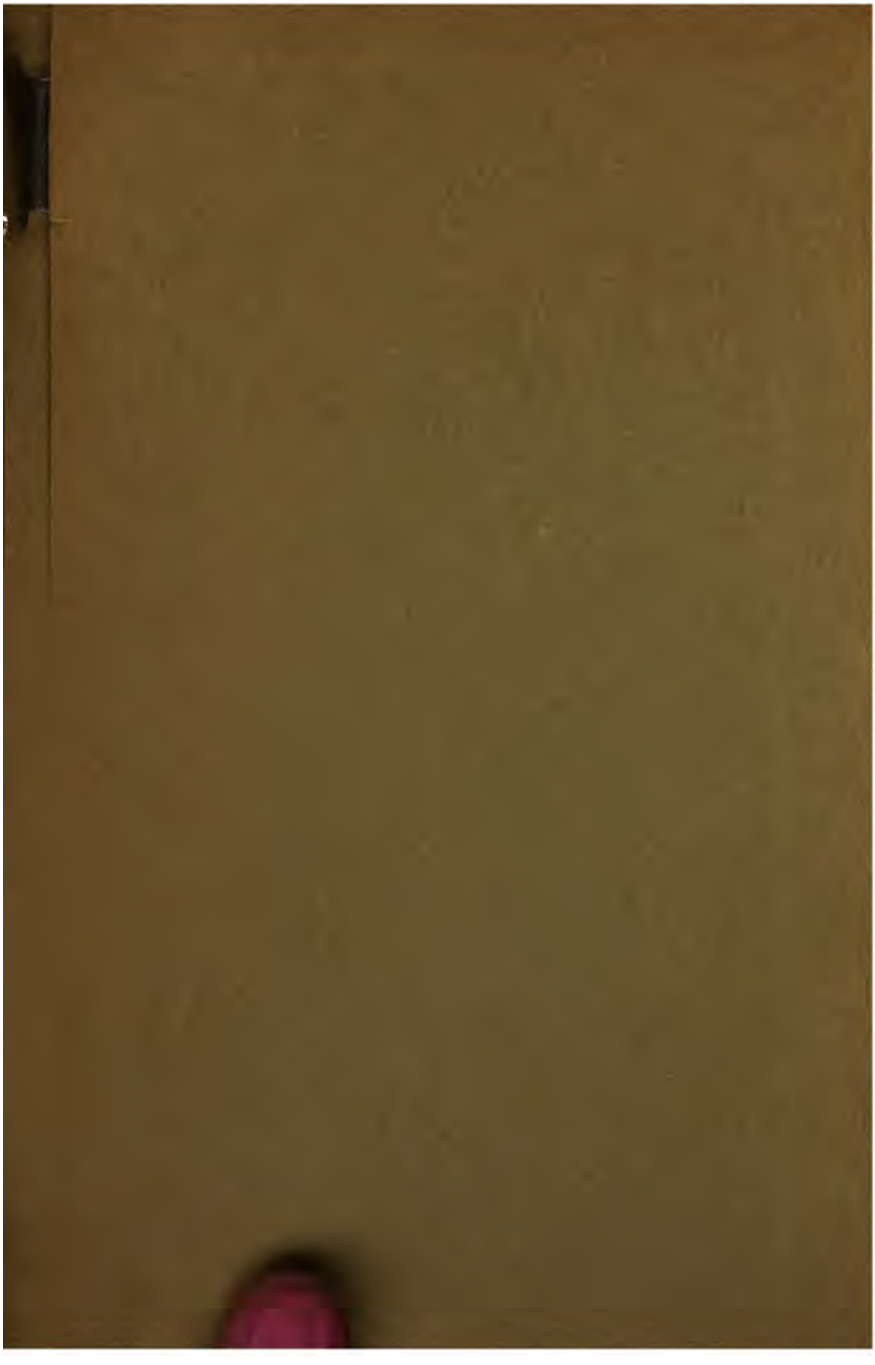
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`



THE WOMAN CITIZEN

THE WOMAN CITIZEN

A GENERAL HANDBOOK OF CIVICS, WITH SPECIAL CONSIDERATION OF WOMEN'S CITIZENSHIP

BY

MARY SUMNER BOYD

CHAIRMAN OF THE RESEARCH DEPARTMENT OF THE LESLIE BUREAU OF SUFFRAGE EDUCATION

WITH AN INTRODUCTION BY

CARRIE CHAPMAN CATT

PRESIDENT OF THE INTERNATIONAL WOMAN'S SUFFRAGE ALLIANCE AND PRESIDENT OF THE NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION

NEW YORK

FREDERICK A. STOKES COMPANY

PUBLISHERS

THE NEW YORK
PUBLIC LIBRARY
83909
ASTOR, LENOX AND
TILDEN FOUNDATIONS
R 1918 L

Copyright, 1918, by
FREDERICK A. STOKES COMPANY

All rights reserved, including that of translation into foreign languages

PREFACE

Women in eighteen states can now vote for president of the United States. In twenty others they have some voting rights. Nine of these thirty-eight states gained this right in 1917-1918, and so strong has popular approval of woman suffrage grown since the great war began that it will be a very short time before all American women will have the vote by amendment to the National Constitution. It is to these women, who will form not far from an even half of our electorate, that this handbook of civics is addressed. It aims to give them information which will be useful both while they are working for the vote and after they have obtained it.

It was undertaken largely in consequence of inquiries which came to me as Secretary of the Data Department of the National American Woman Suffrage Association, and chapter after chapter covers matters about which many women have asked for information. The table of voting qualifications in the forty-eight states, for example, which accompanies Chapters IV and V of Part I, was compiled for this reason,

and it is inserted here, with the analysis in these two chapters, for the information of many others, both men and women, who may wish to know why they are qualified to vote in one state but disfranchised when they move to another. This table has been submitted, as have many other details in various chapters, to legislative reference librarians in the various state libraries, and has been made as correct as is humanly possible through the year 1918. I owe these and other state officials a debt of thanks for their frequent and courteous assistance.

Since the volume is meant especially for the information of women, I have tried to bring out not merely the subject matter of civics, but also a subject to which all other civics books I know give practically no space—probably because women have never before needed to be taken account of politically—namely, the idiosyncrasies of women's status in respect to civil and political citizenship. This, too, is the development of experience as to what women really want to know.

Almost daily for some weeks after New York women got the vote in November, 1917, some one called up the data department to find out whether or not she individually was qualified to vote. As this is the first thing that women, especially married women—who form the majority of our adult women—will want to know all over the country, I have disregarded logical or-

der and plunged into this chapter at the very beginning.

The foundations of the demand for a democratic franchise lie, it is claimed by many, in the spirit and letter of the National Constitution. I have attempted, in Chapter III of Part I, to analyze this argument and to lead up historically to the movement for amending the Constitution in such a way as to bring out in a declaratory amendment its real intent and purpose with regard to woman suffrage. In "Women Voters in the States" I have shown how far woman suffrage has spread by the state by state method, and how in many states the women's suffrage is quite different from the men's.

Part II (Applying Citizenship) is mainly information of equal applicability to men or women, but "Doubling the Electorate" deals with the main practical problem connected with giving the vote to women, and the chapter on the jury shows how, even with full political equality, women cannot obtain the earliest right and duty granted to the freeman without special legislation. When the Federal Suffrage Amendment is passed and ratified and supplemented by federal legislation giving the married woman a citizenship of her own and by laws in every state opening to women the right and duty to sit on juries, then and then only

will woman's political status be the same as man's.

In the completion of suffrage by citizenship and jury laws lies a first legislative program for women voters. When they attain this equal political status the civil status of women will almost automatically come up to the level of men's.

With the above exception I have not tried to give advice to the woman voter as to what she should seek to accomplish with her vote. I have not told her that she should use her vote to see that the city is well policed and well lighted, or that she should use it to further prohibition or other social legislation in state legislatures. In dealing with the scope of federal legislation in the chapter on Legislation alone have I deviated from this rule, urging that to Congress should belong legislation on subjects of social importance to the whole nation, such as child labor.

For the rest, what I have tried to do is to show when and how the citizen actually uses the vote. In the chapters on the City, Defects and Remedies (in local government) and Legislation, I have tried to show how, in so far as accepted theory and experience points the way, the vote can be made more effective than it is in many parts of the United States to-day to accomplish the citizen's purpose, whatever that purpose may be. The purpose itself must

be determined by the citizen's intelligence and special interests.

If I have seemed in certain chapters to point out governmental defects and if I have reverted to these defects in several places, it is not because I set myself up as either a mentor or a croaker, but because constructive criticism of government is the order of the day. Already this criticism has taken the first steps toward simplifying and democratizing local government, and I believe these changes and the grounds for them to be matters the intelligent voter needs to know about.

In the Appendices will be found brief stories of the actual aims and accomplishments of the main political parties of to-day, furnished by women officials of those parties. These I consider one of the main features of the book, for they are not the usual campaign literature of fireworks and attacks on opposing parties, but are really informative and designed to help voters decide with what party they shall cast their vote.

My thanks are due to Mrs. Arthur Livermore, chairman of the Literature Committee of the National American Woman Suffrage Association, especially for her help with the chapter on the United States Constitution and Political Rights; to Miss Rose Young, editor of the *Woman Citizen,* with whom originated the idea of gathering together these chapters

on civics into a volume, and to Miss Mary Ogden White and Mrs. Rose Lawless Geyer, both of the *Woman Citizen,* and Miss Grace Johnston, whom I have turned to for help at every point.

Very special thanks are due to three people: to Mrs. Carrie Chapman Catt, whose introduction on the Federal Suffrage Amendment constitutes a real contribution to the subject of Civics, and to whom I, like every American woman, owe a great personal debt for her years of unselfish devotion to the cause of woman suffrage.

Mr. Charles Fremont Taylor, editor of *Equity,* gave me access to current material on local government in the United States and enabled me to make the chapters on this subject in Part II narratives of life and growth instead of dead outlines of stereotyped forms.

Professor Franklin Henry Giddings, of the Department of Sociology at Columbia University, I have to thank for help which has been an inspiration and a source of strength and encouragement, not only in this, but in previous endeavors over many years.

CONTENTS

CHAPTER		PAGE
	INTRODUCTION	1
	By Carrie Chapman Catt	
	PART I	
	ACQUIRING CITIZENSHIP	
I	CITIZENSHIP OF WOMEN	13
II	CIVIL CITIZENSHIP	20
III	THE UNITED STATES CONSTITUTION AND POLITICAL RIGHTS	28
IV	STATE SUFFRAGE REGULATION . . .	38
V	WOMEN VOTERS IN THE STATES . . .	62
	PART II	
	APPLYING CITIZENSHIP	
I	DOUBLING THE ELECTORATE . . .	71
II	THE VILLAGE VOTE	79
III	THE COUNTY	87
IV	THE CITY—19TH CENTURY	95
V	THE CITY—20TH CENTURY	102
VI	THE STATE	110
VII	DEFECTS AND REMEDIES	119
VIII	THE FEDERAL GOVERNMENT . . .	126

CHAPTER PAGE

IX The Parties and the Primaries . . 137

X Registration and Casting the Ballot . 154

XI Legislation 168

XII The Jury — The Freeman's Ancient Right 178

APPENDICES

A. The Democratic Party in National Politics in the 20th Century . . . 189
By Ellis Meredith

Republicans in National Politics . . 196
By Helen Varick Boswell

Aims of the Socialist Party . . . 202
By Anita C. Block

A Party of Principle 209
By Mamie W. Colvin

The Anti-Saloon League—A Non-Partisan Political Party 215
By Adella Potter

The National Party—A New Voice in American Politics 220
By Florence Slown Hyde

B. The Declaration of Independence . . 225

C. The Constitution of the United States of America 231

Amendments to the Constitution of the United States 247

INTRODUCTION

PASSING THE FEDERAL SUFFRAGE AMENDMENT

By Carrie Chapman Catt

To convince the legislatures of thirty-six states that ratification of the Federal Suffrage Amendment is necessary will be the last task of the suffragists of the United States before their organizations disband in victory or, as is more usual, are turned into good government leagues and civic associations.

The twelve equal suffrage states will ratify automatically. In the eight other states whose legislatures have recently bestowed a large degree of suffrage on women, ratification will also be easy.

The end and aim of suffragists is "a vote for every woman of every state by the next presidential election." Forty-two legislatures sit in 1919 and the bulk of the work for ratification will easily be finished before 1920.

This will be the fitting climax of the work of three generations of American women; for the grandmothers of young women now working for the vote began the struggle.

After forty years in which a suffrage resolution has been introduced into every session of Congress, the woman suffrage resolution last January passed the House by the two-thirds vote required for an amendment to the United States Constitution. In the Senate it almost came to a vote late in June, but filibustering, a demand for "pairs" on the part of an absent opponent, postponed the day.

At the moment when the House vote, on January 10th, was taken four men rose from beds of sickness and sat in pain through the debate in order to cast their votes for woman suffrage, an act of chivalry which is never to be forgotten by the women of the United States.

In contrast to this was that Senate act of "pairing"—a "barbarous unburied relic of the dead political past," the "illegitimate offspring of senatorial courtesy,"[1] by which a sick absentee can yet defeat a measure without any personal sacrifice.

Yet however many are the delays, the vote will come in the Senate and probably before the end of this session, December, 1918. In spite of the handicap of a required two-thirds vote, which allows a small minority to checkmate the will of a large majority, certainty grows that the Amendment will pass.

Great Britain and Canada have extended suf-

[1] In a vote on a federal amendment two affirmatives are required to "pair" with one negative.

frage to women as a war measure; France and Italy have virtually promised to do so.

President Wilson, himself, has recognized it as a national war measure—a part of the struggle to make the world safe for democracy—and as such has urged it on Congress.

In June, 1918, he said: "The full and sincere democratic reconstruction of the world for which we are striving, and which we are determined to bring about at any cost, will not have been completely or adequately attained until women are admitted to the suffrage, and only by that action can the nations of the world realize for the benefit of future generations the full ideal force of opinion or the full humane force of action." Later in a private letter urging Senator Shields of Tennessee to cast his vote for the Federal Suffrage Amendment the President said:

"I feel that much of the morale of this country and of the world will repose in our sincere adherence to democratic principles—will depend upon the action which the Senate takes in this now critically important matter."

And to Senator Baird of New Jersey, almost simultaneously:

"I believe that our present position as champions of democracy throughout the world would be greatly strengthened if the Senate would follow the example of the House of Representatives in passing the pending amendment."

It is in view of this international squaring of accounts that President Wilson sees where the failure to pass the Amendment will place the United States. "How can we protect a democracy abroad which we do not practice at home?" he asks in effect.

There is no doubt that all great catastrophes, like war, deepen the sense of human equality in men's souls. War opened a new chapter in human values. When women began to stand in the places where men had stood, governments, for the first time, recognized them as part of the State.

The farthest reaching significance of the suffrage situation in Great Britain and Canada lay in the admission of thinking men, men of international distinction, that they had to capitulate to the utter reasonableness of women's demand for the vote.

Prejudice and tradition are breaking down everywhere before the onslaughts of reason. Women have proved that their service to the State is efficient and essential. Arguments against their complete enfranchisement now sound churlish. And men are in a mood of gratitude and appreciation, and not disposed to be churlish.

Ideas of freedom, locked and padlocked in the back of men's minds, have been breaking jail. Men had not previously shut the door on women deliberately. They had been serenely

sure they didn't need them in public life until of late. Now they are getting strangely humble. Doubtless statesmen in the United States are thinking in terms of political freedom as they have not since the Civil War.

Thus the political significance of an issue which now affects many millions of women is not lost upon political leaders.

Leaders of all political parties, major and minor, have begun to demand it, and the national committees of the major parties have endorsed the Federal Amendment. Almost 8,000,000 voters, men and women, demand it in the twelve equal suffrage states and already the legislatures of many of these states, notably New York, the youngest of the group, have virtually ratified the Amendment in advance by sending resolutions to the Senate, urging its passage. Two million organized suffragists, uncounted millions of their unorganized helpers, women who are to-day trying to give themselves in two directions by laboring for suffrage and for the war, clamor to be relieved from their double task and to be allowed to give all their time to war work.

For months past page after page of the *Congressional Record* has been filled with the text or titles of petitions to Congress, and these are, according to the statements of Senators themselves, only a few of those received from or-

ganizations which represent millions of men and women.

All these things show that public sentiment is in favor of woman suffrage. When in a case like this one-third of the Senate plus one vote can defeat the will of democracy, there must be some among the "doubtful" senators who will, as the vote approaches, feel the pressure of public opinion and shrink from the odium of being handed down to posterity for voting against democracy during a war for democracy.

Once through Congress, the Amendment will be given over to the state legislatures. The sovereign states will then decide the fate of woman suffrage. Thirty-six legislatures must ratify before the Federal Amendment becomes the law of the land, and every prospect now promises that the states will respond cordially.

It is not conceivable that there will be delay or resistance to the suffrage measure in the smaller units of government when once the federal measure is passed. For the question of enfranchisement of the women of the land has involved a progressive education, starting with resistance to the basic idea that woman is a distinct civic entity, capable of holding and conveying property, of being educated, of being the guardian of her own children.

The last defense of males who protect women from sharing in the common human desire for

freedom, is that women do not want to vote.

In a day when men are being drafted into a service for the State to which they give their lives and fortunes and sacred honor, this reason has a hollow ring.

If true, it would smack of the slacker and would awaken contempt in the minds of men who have lived beyond thinking in terms of human wishes.

Overwhelming evidence has shown that it is not true; that women are as ready as are men to share the burdens of democracy. Not only did New York State give a final and effective blow to this reason when it enrolled the names of 1,030,000 women of the State who asked for their enfranchisement, but in every political step since their emancipation have they shown a full conscience ready for full citizenship.

In the same manner women of Texas registered an alert conscience, an incontrovertible patriotism, and a high sense of political honor in their use of the vote at the 1918 primaries, when they relentlessly overthrew politicians proved unworthy of trust.

Always before this, electoral changes have meant extension of the franchise to new groups of voters; loosely speaking they have meant more voters. Votes for women is a movement concerned far less with numbers than with inner meanings. It means informing the whole field of public life with the woman spirit, if it

means anything at all. It is this that war has made evident in Europe, and will make evident in America. Woman suffrage is preëminently a war measure.

It is this which has recently aroused women of the South and Middle West to renewed demand for the vote in those states where the alien man has been permitted to vote when he was too little in sympathy with the ideals of this government to fight for them.

Not only a burning patriotism has aroused the women of these states as never before to work for their right to voice their own principles of government, but a real desire to protect the interests of their sons and husbands at the front from possible domination by a hostile spirit at home has inflamed them into a new crusade.

It is the spirit of the mother, the wife, the loyal American which has been injected into the states where this question is acute. And having once been awakened, men and women everywhere see that the woman's point of view cannot be pushed out of the councils which are to make for a better State.

The housewife's own knowledge must enter into food conservation if it is to be an effective conservation. The nurse's own experience must obtain to make the Red Cross do its effective best. The understanding women have of woman must be taken into account to keep the camp

zone clean, for this is a problem that touches women and men both. The mother's voice is above all the one which will be wanted for deliberations about an increased birth rate to make up for war's ravages unless the world is to be thrust back into that disrespect for the child's right to be well born out of which it has been slowly emerging.

It is these considerations and not the granting of rewards to ammunition-making women, which has made statesmen declare that the ballot for women is a measure needed by a world at war as a safeguard of civilization and an assurance that the world is safe for democracy.

PART I

ACQUIRING CITIZENSHIP

CHAPTER I

CITIZENSHIP OF WOMEN

Since the war the granting of the vote to women has been given encouraging impetus. Nine of our states have extended some degree of voting citizenship to women. Full citizenship gives voting as well as civil rights, but there are in many states a large body of women to whom the granting of the vote presents no advantages until they have been naturalized. Naturalization is the process by which a foreigner gains citizenship.

The enfranchisement of women in the State of New York, which has the largest foreign population in the Union, brought into the foreground several naturalization problems; it brought out prominently certain disabilities of women and tended to point the cure for one criticism of woman suffrage in relation to foreign born women.

More than thirty per cent. of the population of New York is foreign born. The majority of these are men, but the Naturalization Bureau was kept busy after November 6, 1917, in response to the application of that intelligent pro-

portion of the feminine foreign born minority to whom citizenship with voting rights seemed a thing to be desired.

Spinsters took out first papers subject to a minimum wait of two years if they had been in this country for several years, a maximum of five if they were newly arrived. A rumor was in circulation that in the case of an alien woman long resident in the United States the two years waiting period between first and second papers would be waived. This would have been possible up to June, 1906. Section 2167 of the United States Revised Statutes, which was repealed at that time, provided that persons who had resided in the United States during the last three years of minority should, after five years of residence, being twenty-one years of age, be admitted without first papers. Many men became citizens under this provision, and men who have served in Army, Navy or Coast Guard can still do so, but no woman to-day can thus become a voter over night.

A married woman cannot of herself become a citizen, so in spite of woman suffrage in New York, the sixty-two per cent. of foreign born women who are married must take their right to vote as a gift from their husbands. Conversely those American born women whose husbands are aliens must give up their birthright of American citizenship. The American born

who marries an American husband alone retains her own citizenship.

As formerly in the matter of property and family rights, so still in the matter of citizenship husband and wife are one, and that one is the husband.

Wives of aliens, some themselves American born, others foreigners desirous of American citizenship, were after the New York election turned away by the Naturalization Bureau. Women are only eligible to the reflected foreign or American citizenship of their husbands as long as marriage lasts; they have no citizenship of their own.

The Naturalization Law of 1907 says (Secs. 3960 and 3961): "Any American woman who marries a foreigner shall take the nationality of her husband. . . . A foreign woman acquires American citizenship by marriage to an American."

On the termination of marriage, by death, desertion or divorce, the American wife of an alien is automatically repatriated if she resides in the United States. If she resides abroad, she can be repatriated by registering before the United States Consul within the year. This much of personal rights the American born woman has, in compensation for the loss of her husband. The law does not help the loyal American wife of an enemy alien husband—it only holds out to her the hope of widowhood. It

will be remembered that Conan Doyle suggested divorce as the solution in such cases.

The alien widow of an American does not so easily shuffle her husband's citizenship; she retains it unless she returns to her own country or renounces it before a proper court. In this case the country may suffer as much as the woman, since a woman who may be at heart and by birth an alien enemy is classed and treated as a loyal American. The alien widow of an alien can take out citizenship papers on the same terms as the spinster.

Critics have never considered the married woman as having a right to choice of citizenship, but they have not failed to consider possible disaster to the community from the voting citizenship which an alien wife gains automatically from her husband after satisfying the minimum state residence requirements, in some states as low as six months. In some states, even in spite of this provision in the law, the husband has an advantage over the wife. Thus in Kansas an alien male can vote on first papers but his wife cannot go to the polls till he is a full citizen. This is not a problem in New York and some states where women have partial suffrage, as some woman suffrage laws provide that the alien wife of an American citizen shall have been a resident of the United States for five years. It appears, however, that even where this provision does not exist, the Naturalization Law

itself would carry its own cure, for there is a strong possibility that in the case of voting rights a provision of the law may be interpreted by the courts to require five years' residence as well as good character, the oath of allegiance, knowledge of English and of American political institutions in the case of alien wives of Americans.

Section 1994 reads: "A woman who is now, or may hereafter be married to a citizen of the United States, and *who might herself be lawfully naturalized* may be deemed a citizen."

The crucial phrase in this is emphasized, for only after five years' residence and the other requirements enumerated above, is naturalization lawful. This would be a perfectly just understanding of the law, and a decision on this basis in some equal suffrage state may some day answer for the whole United States the criticism that woman suffrage will automatically make voting citizens of alien women who have not yet learned the first principles of American citizenship.

Till 1907 there was no written law on married women's citizenship. The statute of that year was declaratory, or expressive of practice under the common law. But it is an interesting fact that this practice was by no means uniform for there were several court decisions before 1886 in which a married woman was allowed to keep her own citizenship.

During the war, the actual sufferings of loyal women married to enemy aliens started an international movement to give a married woman her own citizenship. A congress was held in London, and to-day even German women are pushing for a change in the law. In the United States a law was drawn up by Dean Ellen Spenser Mussey of the Washington College of Law and introduced in Congress in May, 1917, by Representative Jeannette Rankin, providing:

1. "That any American woman who marries a foreigner shall retain her American citizenship unless she shall formally in writing renounce such citizenship. If residing in the United States, she may renounce such citizenship in any court authorized to naturalize American citizens within the district in which she resides. If residing abroad, she shall file such renunciation with a consul of the United States.

2. "That all American women now married to foreigners residing in the United States may after the passage of this act resume their American citizenship by filing a declaration with any court having authority to naturalize American citizens within the jurisdicton in which she resides."

In introducing the bill Miss Rankin brought out its fundamental importance as the complement of woman suffrage.

"We," said she, "who stand to-night so near victory, after a majestic struggle of seventy long

years, must not forget that there are other steps besides suffrage necessary to complete the political enfranchisement of American women. We must not forget that the self-respect of the American woman will not be redeemed until she is regarded as a distinct and social entity, unhampered by the political status of her husband, her father, or her associates; but with a status peculiarly her own and accruing to her as an American citizen.

"The American woman must be bound to American obligations not through her husband's citizenship, but directly through her own. Her dignity will not be revealed until she is freed to serve humanity as a separate and distinct individual, provided with such political rights as it is in the power of the United States Government to confer."

A hearing on this bill was given in December, 1917, but no action was taken in Congress.

Points for Reference in Chapter I

NATURALIZATION OF WOMEN

Spinster or Widow—Can be naturalized like a man.

American Wife of Alien—Alien like husband; on his death is automatically repatriated.

Alien Wife of American—American like husband; on his death can only be repatriated by legal means or returning to native land.

CHAPTER II

CIVIL CITIZENSHIP

An American citizen is, so far as fundamentals go, a person born or naturalized in the United States, a person born abroad of an American father, or a woman who has married an American.

The United States Constitution says: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." (Amendment XIV, Section 1.)

This fundamental citizenship, on which all state citizenship depends, can be granted by the Federal Government alone. Since 1790 the United States has granted citizenship by naturalization to foreigners. With the single exception that only a native born person may be president or vice-president of the United States, this citizenship by naturalization gives equal rights with citizenship by birth.

The present naturalization law dates from 1907 and lays down five qualifications for aliens desiring American citizenship. They must have five years' residence in the United States, not less than two and not more than seven years

must elapse between first and second papers; they must be able to speak and read English; they must understand the principles of our government, must be of good character and must take the oath of allegiance.

The United States claims by the *jus soli* those born on the soil even if they are born of alien fathers—even, indeed, if they are born of Chinese fathers who can never be naturalized. It claims also by the *jus sanquinis* those born abroad of American blood. Fruitful of international difficulty as these two contradictory claims may seem, in practice the blood tie is the one which generally prevails.

The Federal Government lays down the fundamentals of civil citizenship; the conferring of civil *rights* is another matter. Some civil rights are conferred by states and others by the Federal Government. Furthermore, both Federal and State Governments confer many civil rights on citizen and resident alien alike.

It is because of these three classes of civil rights that the civics books are so unsatisfactory in their definitions of the word citizen. "Citizens," says one primer, "are all the people, men, women and children, who live in one place." "Citizens," says the ordinary person, going to the other extreme and including both civil and political citizens' rights, "are voters." "Citizens," we may say, leaving out the political or "active" group and limiting ourselves

to "passive" rights, "are those who have *full civil rights* in the United States and in the state wherein they reside."

State laws determine many civil rights. Since there are forty-eight states with forty-eight codes, it is impracticable to enumerate here the state civil rights of citizens. Women and aliens are apt to be discriminated against by state laws and the discriminations against women are the more serious. State laws may, for instance, as in Virginia, prevent a woman from practicing law; or as in Delaware from having an equal claim with her husband to her children; or as in Louisiana from having control of the family property with her husband.

It is the married woman who suffers most under the civil law; in few states has she equal citizenship with men. If she is married to an alien she adds his to her own handicaps. Thus in New York State the American-born wife of an alien cannot receive the mother's pension; in Washington, D. C., such an one cannot practice law.

Against aliens in general there are in a few states restrictions as to property or inheritance, or as to the civil service, the practice of law, and here and there exclusion from the benefits of some charity, etc.

Citizenship may be active or passive. Active and full citizenship involves both political and civil rights; passive citizenship involves

civil rights alone. Only as the citizen of a state can an American have full citizenship, for with certain important limitations, which will be brought out in the next chapter, the state regulates voting rights. But only, as we have seen, as a citizen of the United States does he gain civil citizenship. The states, with the exception of a handful, respect this fundamental citizenship, for in conferring voting rights, they expressly require civil citizenship in the United States. A few exceptional states give voting rights to aliens who have taken out their first papers, or "declared their intention" to become citizens of the United States.

The United States Constitution nowhere enumerates separately the full civil rights of federal citizenship. These rights, which will be discussed presently, are formulated in federal statutes and court decisions.

The Constitution does, however, do two important things; it attempts to restrain the states from encroaching on each other's citizens' rights, or on federal civil rights, and it enumerates the main civil rights of *inhabitants*—that is, of aliens and citizens alike.

Section 1 of Amendment XIV not only defines the citizen, but in two succeeding sentences it lays down certain lines of treatment for the citizen and certain others for aliens and citizens alike. It says, of the citizen: "No state shall make or enforce any law which shall abridge

the privileges or immunities of citizens of the United States," and it further says of the inhabitant, whether citizen or not, "nor shall any State deprive any *person* of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Article IV, Section 2 of the original Constitution also prescribes to the states in respect to each other. It says, "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Article VI, Section 2, provides that there shall be no conflict between state and federal authorities. It says, "This Constitution and the laws of the United States . . . shall be the supreme law of the land . . . anything in the constitutions or laws of the States to the contrary notwithstanding."

The first eight amendments to the Federal Constitution are always thought of as giving civil rights to American citizens. They did, in fact, give civil rights to all residents or inhabitants of the country, alien or citizen. A theoretical case might be made to prove that these rights belong to citizens alone, but in practice international law has so changed the attitude toward aliens that in time of peace at any rate there is not one of these rights that is not theirs, and as in time of war they are withdrawn from enemy aliens, so in time of

internal troubles are they withdrawn from citizens.

These rights are freedom of religion, of speech, of assemblage and of petition, right to bear arms, to public trial, to trial by jury, security from seizure of life, liberty or property without due process of law, from excessive bail, fines and penalties and from the burden of quartering soldiers in time of peace.

What special federal rights are left, then, for the citizen? Nowhere are these rights brought together; indeed the Supreme Court has refused to undertake the task of formulating them. But in the Slaughter House Cases (1873) Justice Miller made a partial summing up. Among the rights he enumerated of citizens of the nation, were:

"The right to seek its protection, share its offices, transact business and engage in administering its functions. He has the right to free access to its seaports through which all operations of foreign commerce are conducted, to the sub-treasuries and land offices in the several states.

"Another privilege of the citizen of the United States is to demand care and protection of the Federal Government over his life, liberty and property on the high seas or within the jurisdiction of another government; right to use navigable waters of the United States, however they may penetrate the territory of the

states. All rights secured to our citizens by treaties with foreign nations are dependent upon citizenship of the United States and not citizenship of a state. A citizen of the United States can, of his own volition, become a citizen of any state of the Union by bona fide residence therein, with the same rights as other citizens of the state."

All rights belong to women as to men except in so far as the federal law cannot protect the married woman from the encroachments by state laws on her liberty and property. Indeed, in respect to the married woman's civil status the Federal Government works hand in hand with the state, for it is by federal law that the woman loses her citizenship when she marries.

What civil rights of Federal or State Governments the alien and the woman alike lack are largely to be laid to the fact that they are without political rights—the subject of our next chapter—that active participation in government by the vote which gives them the power of participation in the legislation which controls the passive, or civil, citizen. Without this right it is impossible to say what is so often and so erroneously said of women, that they have an equal civil citizenship with men. It is a fact often commented on that few foreign born spinsters in male suffrage states trouble to think about naturalization. But when,

as recently in New York, women get the vote, they flock to the naturalization bureau, for they realize that voting alone enables them to have control over the laws which lay down their civil rights.

Points for Reference in Chapter II

Two forms of citizenship—civil and political (passive and active).

United States alone gives civil citizenship in nation and in the states. (U. S. Constitution IV, 1.)

Civil Citizens—1. Born in the U. S. 2. Foreigners naturalized in U. S. 3. Born abroad of American father. 4. Woman married to American.

Naturalization Requirements—(Law of 1907) 1. 5 years' residence, not less than 2 or more than 7 years between "first papers"—declaration of intention to become a citizen—and "second papers." 2. Read and speak English. 3. Understand principles of American government. 4. Good character. 5. Take oath of allegiance. Though civil citizenship is given by the United States civil rights are given some by states and some by the United States—United States Constitution IV, 2, VI, 2, Amendment I-VIII and XIV.

Full civil rights to full citizens only—"citizens are those who have full civil rights in the United States, and in the state where they reside."

Partial civil rights to 1, women; 2, aliens.

Since civil rights are created by laws and only those who vote make the laws, *full civil rights are to be enjoyed only by those who have political rights.*

CHAPTER III

THE UNITED STATES CONSTITUTION AND POLITICAL RIGHTS [1]

Women are to-day the only class of citizens in America who are fundamentally handicapped in respect to the vote. Sex alone of suffrage limitations laid down by the states is fundamental and ineradicable. Given time to fulfill the residence requirements, the alien can work off his handicap, and this is true also of all other state suffrage requirements.

Up to 1870 the negro was another class fundamentally discriminated against in respect to suffrage, but in that year the fifteenth amendment was passed, providing that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

Historically this amendment was preceded by Article XIV, Section 2, which attempted indirectly to give the franchise to male negroes in respect to federal officials and legislators by

[1] See Appendix C, United States Constitution.

providing that representation in Congress should be reduced in the same proportions as the number of male citizens twenty-one years and over denied the franchise by a state, bears to the whole number of male citizens of voting age in that state.

The provision was never enforced and this fact made Amendment XV necessary.

No exposition of American citizenship is complete without some account of the grounds on which, from about the middle of the nineteenth century to the present day, women have sought to remove their fundamental handicap by appealing to the Constitution of the United States, only turning aside from time to time to state action with the aim of hastening the day of national suffrage.

The three methods of working through the Federal Constitution have been—1, by attempting to vote, on the ground that the Constitution permits it; 2, by urging federal declaratory legislation confirming the right to vote for federal candidates, and 3, by pushing the federal amendment conferring full suffrage on women.

It is with the passage of the fourteenth amendment that the movement for woman suffrage through the national Constitution began, but there were statesmen who believed before that that the original Constitution without amendment gave women the right to vote. Said Charles Sumner: "There is not a doubt but

women have the constitutional right to vote and I will never vote for a sixteenth amendment to guarantee it to them. I voted for both the fourteenth and fifteenth amendments under protest—would never have done it but for the pressing emergency of the hour, would have insisted that the power should have been vindicated through the courts."

The basis for Sumner's belief lay in the fact that not once is the term "male" used in the Constitution in connection with the electorate, the word "people" being used throughout. True, the people who framed the Constitution were not the whole body of inhabitants but only four per cent. of them. But one year later the Federal Government itself added to the number of voters by naturalizing a large body of aliens in all the states, and this power of automatically augmenting the state electorates through the Naturalization Law the Federal Government still retains. Furthermore, the United States restored voting citizenship to the South after the war, and made special conditions for full citizenship for aliens fighting in the Civil War.

The "We" of the preamble, "the people of the United States" who "do ordain this Constitution," is not a fixed quota but an expanding electorate, and in order "to establish justice, insure domestic tranquillity, promote the general welfare and secure the blessings of liberty

to ourselves and our posterity," it is the obvious intention of the Constitution that the word People shall not be interpreted so that any group is discriminated against in the exercise of the franchise. Thus the general spirit and purpose of the Constitution should make it possible for women to vote without specific amendment to include them.

Furthermore, women are recognized as people in the Constitution in the sense of potential voters in the basis of representation in Congress (Article I, Sections 2, 3) for unlike the negro slave they counted, when the Constitution was framed, equally with men. Supporters of this theory claimed also that by Article IV, Section 4, the United States was bound to guarantee a republican form of government to every state, and by Article VI, Section 2, "this Constitution and the Laws of the United States which shall be made in pursuance thereto . . . shall be the supreme Law of the Land . . . anything in the Constitution or Laws of any State to the Contrary notwithstanding." Finally, the first eight amendments guarantee men and women alike civil rights, and civil rights have no reality unless reënforced by political rights.

In 1866 the American Equal Rights Association was formed and a petition was sent to Congress. With the fourteenth amendment in 1868 the issue became more clear-cut. There was, on the one hand, more to take hold of, for civil

citizenship was for the first time defined as federal in origin and the states forbidden to infringe on the rights of citizens of the United States. On the other hand, in this amendment the word "male" appears for the first time in the Constitution, in the provision cutting down representation in proportion to negro males disfranchised. Thus, the true intent and meaning of the word "people" was threatened.

But the definition of civil citizenship overshadowed this difficulty, for civil citizenship had up to this time been regarded as a state affair. This strengthened the earlier argument to the effect that civil citizenship is government without consent unless supplemented by the vote. In 1870 Miss Anthony, Mrs. Stanton and others summarized the case in a petition to Congress.

"The Constitution," says this document, "claims us as free people, counts us white people as a basis of representation; yet we are governed without our consent, are compelled to pay taxes without appeal and punished for violations of law without choice of judge or juror. The experience of all ages, the declarations of the fathers, the statute laws of our own day and the fearful revolution through which we have just passed, all prove the uncertain tenure of life, liberty and property as long as the ballot—the only weapon of self-protection—is not in the hand of every citizen. We ask you to ex-

tend the right of suffrage to women, and thus fulfill your constitutional obligation to guarantee to every state in the Union a republican form of government."

In the same year the fifteenth amendment was passed. From this time to 1875 a succession of women in many states voted or attempted to vote and many cases were brought to the courts. The most important of these cases is that of Virginia Minor, of Missouri (Minor *vs.* Happersett). The case was defended before the United States Supreme Court in 1875 by Mrs. Minor's husband, Francis Minor.

Minor made the following points in his argument, backing his statements by citing sections and amendments to the Constitution in support of his case: 1, the immunities and privileges of an American citizen are national and paramount to state; 2, the Constitution gives states the right *to regulate, not to prohibit,* the franchise; 3, the Constitution prohibits abridgement of the privileges or immunities of citizens of the United States, and exclusion of women is violative of the spirit and the letter of the Federal Constitution; 4, states have no right to deprive naturalized citizens of the vote, should not deprive native and naturalized women, and 5, the same laws apply to women and men.

The decision of the court in the Minor case was adverse. It said, first, that the United States Constitution confers the right to vote

on no one; and second, that the fifteenth amendment confers simply an *exemption from discrimination.*

"Test" voting was given a temporary setback by the Minor case. In 1884 there came another Supreme Court case which suggested the expediency on the one hand of pushing, instead, the federal amendment to get suffrage in both state and nation, and on the other of pushing for the immediate passage of a declaratory law securing to women the vote for federal candidates. This was the Yarbrough case (1884) which decided that the right to vote for presidential electors was secured by the United States Constitution. The right to vote for members of Congress was secured by Article 1, Section 2, of the Constitution and this article, in Section 4, left to the United States Government the control of the manner of these elections.

On the basis of this decision a Federal Elections Committee of the National Woman Suffrage Association was formed. Thus, in support of this new plan of getting partial suffrage through the United States Constitution, two sections of the Constitution, not before quoted, were drawn into the argument. When we look back over the cases and arguments for woman suffrage through the United States Constitution there seem few clauses in that Constitution which have not been cited in evidence,

thus justifying the general argument that the right of women to vote is found in the spirit of the whole document.

The Federal Elections Committee has year after year introduced a bill in Congress. It has never given up its work, nor has the policy of test voting been given up. In the 1916 presidential election, women from the voting states attempted in Massachusetts, Maryland and Iowa to vote for federal candidates. They quoted still other sections of the Constitution, laying special stress on their rights in voting states. "Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state" (Article IV, Section 1); and, "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states" (Article IV, Section 2).

Of late years as more states have been gained for suffrage and ratification by thirty-six state legislatures seems surer, work for the Federal Amendment has become increasingly important. The larger claim to full suffrage through the national Constitution is to be made good by an amendment which will make sex a new "exemption from discrimination."

The Federal Amendment, sometimes also called the Susan B. Anthony Amendment after the greatest of the pioneers of woman suf-

frage, who herself framed it, has, since 1878, been worded as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several states as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as part of said Constitution, namely:

"ARTICLE

"Sec. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

"Sec. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article."

On January 10, 1918, the resolution passed the House by the two-thirds vote required for a constitutional amendment—274 ayes, and 136 noes. The Senate has not yet voted. To become part of the Constitution it must be ratified by thirty-six state legislatures.

POINTS FOR REFERENCE IN CHAPTER III

United States Constitution by Amendment XV removed one fundamental suffrage handicap: namely, race.

Since 1869, when Amendment XIV was passed, women have tried to remove through the United States Constitution the fundamental suffrage handicap of sex.

Even before that, statesmen and others contended that the United States Constitution permits women to vote and overrides state laws on this subject—grounds: 1, word male is nowhere used in the body of the Constitution; 2, spirit and purpose; 3, the United States has increased electorate by nationalization and in other ways; 4, the United States Constitution Art. I, II, III, Art. IV, 4; Art. VI, 2; Amendment I-VIII; Amendment XIV makes civil citizenship a national affair, and civil citizenship is incomplete without political citizenship.

Three ways by which women have tried to vindicate their right to vote under the United States Constitution: (1) test cases, e.g. Minor *vs.* Happersett, 1875; Minor's further citations from United States Constitution; 1916 women voters tests—United States Constitution Art. IV, 1, 2.

(2) Federal Elections Law pushed, based on Yarbrough case, 1884, United States Constitution Art. I, II and IV.

(3) Federal Amendment—passed the House January, 1918, by two-thirds vote (ayes 275, noes 136); now before Senate. Must be ratified by 36 state legislatures.

The passage and ratification of an amendment will remove the last fundamental discrimination in the matter of voting rights, and leave to the states the right to regulate suffrage but not to prohibit.

CHAPTER IV

STATE SUFFRAGE REGULATION

The regulation of the vote, that is, the laying down of certain requirements which must be conformed with by those desiring to become voters, is left, with one important exception, which will be taken up presently, to the state constitutions.

The table on pp. 50-61 shows all state qualifications for full suffrage together with the special qualifications in some states for those voting on men or measures involving the schools or the raising or spending of money. Here and there it seems as though some specific discriminations were, though technically in conformity, actually in opposition to the purpose of the fourteenth and fifteenth amendments. Some of these points of antagonism between state and federal constitutions will be noted in analyzing the table.

To-day state qualifications create no excluded classes except women. In the old days this was not so. The struggle of the thirteen original states toward democracy was, first, to free themselves from government by a religious aris-

tocracy, and second, from government by property holders. By 1826, when Maryland abolished religious qualifications, these were a dead letter everywhere. Many of the new states prohibited religious tests. With Dorr's Rebellion in Rhode Island in 1842 property qualifications ceased to be important.

The Carolinas did not completely wipe out their early property discriminations until shortly before the Civil War, and Virginia, Massachusetts and Pennsylvania retained vestiges into the nineties. California, Kansas, North Carolina, Minnesota and, except in elections creating indebtedness, Utah and Idaho, now prohibit property qualifications.

Except for a few Southern states where they have been revived for the special purpose of race discrimination, there are to-day no property qualifications in general elections. A few states—as shown in the Special column—lay down a property requirement in elections on tax or school matters.

Prepayment or payment of poll tax appears in the table. The poll tax, a tax on the individual's head, or "poll," not on his property, has been the subject of much misconception in connection with voting. It has nothing to do with the polls or with voting. It was originally—as its name shows—a head tax, a tax on the right to live in the realm. It survives under

this guise in the federal poll tax on immigrants.

Four states prohibit the poll tax as contrary to democratic ideals.[1] Twenty-five state constitutions either impose a poll tax, or authorize their legislatures to impose one as needed. The amount varies from one to four dollars in the different states. In a few states some forms of partial suffrage, granted not by the constitution, but by act of the legislature, are made dependent on poll tax payment. It is imposed in nine states on all adults; in ten, on all male inhabitants;[2] in four, on all male citizens, and only in Oklahoma and Rhode Island, on all electors who have full suffrage—that is, in only six states is payment required from voters. Indeed in Oklahoma the constitution makes it permissive for the legislature to lay a poll tax on adults, but no such tax has been laid to date.

Not so prepayment; the poll tax, being based on no tangible object but on the person himself, is easy to evade and being unpopular on account of its undemocratic basis, it is notoriously evaded. In 1914, in spite of the many million adults throughout the Union subject to state

[1] All states referred to throughout the chapters are to be found in the table of suffrage qualifications.

[2] Though not required under the constitution, the woman voters of Texas voluntarily assumed this burden under the Statute of 1918 which gave them primary suffrage.

poll taxes, a total of only two million dollars was collected.

For this reason all but six of the states, which impose such a tax, whether on adults, male adults or male citizens, have shrewdly provided that at least those persons entitled to vote shall prove that they have met their obligations to the state by producing their poll tax receipt or proof of prepayment of a tax they would owe whether voters or not.

From the forties on, the foreigner and the negro were the problem of the Constitution, the foreigner being made welcome by the Western and Mid-western states, the negro being rejected as a citizen until, by 1861, he could vote in only four states.

In 1870 the fifteenth amendment to the Federal Constitution was ratified and all color restrictions became inoperative in state constitutions, even where the states did not go to the trouble of amending. It is a curious fact that among the amendments "voted upon but not passed" in Ohio in 1912, is one "to strike out the word 'white' in the suffrage clause." A clause covering the negro and the native born Chinaman was voted on in Oregon as late as 1916.

For fifteen years or so after the passage of the fifteenth amendment the negro vote was used as a means of power in the South by the unscrupulous northern Republican carpet bag-

gers. The free voting negro came to represent to the Southerner not merely the slave free and equal with his master, but the hated northern bullying and exploiting of the South.

In this intolerable situation every means was deemed justifiable to keep the negro from the polls. Violence and fraud were used at first, but these means proving ineffectual, during the period from 1890 to 1907, an elaborate system of constitutional amendments, laying down alternative tests, was worked out, which has in some states cut down the negro vote to five per cent. of adult males.

This was done openly in order by indirect means, which would not technically violate the United States Constitution, to render the fifteenth amendment inoperative. Alabama, Georgia, Louisiana, Mississippi, North and South Carolina and Virginia have the most elaborate provisions.

Chief among these alternatives, of which two or more had to be fulfilled in the various states, were property qualifications, the "grandfather clause," special poll tax requirements, educational and moral tests. Alabama, Louisiana and South Carolina require among their alternatives property to the amount of $300; Georgia requires $500. In six Southern states the poll tax is used as another means of complicating voting requirements, so that the slow-witted negro will, as often as possible, find him-

self ineligible. Thus Alabama requires proof that all polls have been paid since 1901, Georgia that all taxes assessed since 1877 have been paid, and the requirements of Virginia, South Carolina, Louisiana and Mississippi are only less difficult to fulfill.

Alabama, Georgia, Louisiana, North Carolina, Oklahoma and Virginia provided; some of them, that voters or descendants of voters before the Civil War; others, that soldiers in that war or their descendants, should be subject to no other tests. In some states this was a temporary measure, registration under the clause ending at a certain date. In the others there was no time limit.

This is the "grandfather clause" which, says A. B. Hart, "is the purely American form of hereditary aristocracy." Together with vexatious property, educational, moral and other discriminations, he estimates that in some states it has disfranchised all the negroes and from 30,000 to 60,000 poor whites. In general, in the South only somewhere between four to ten per cent. of the population are now voters.

In June, 1915, the first blow was struck at the grandfather clause by the Federal Supreme Court decision that this section of the Oklahoma constitution was at variance with the fifteenth amendment of the Federal Constitution.

The decision says in part: "A provision in a state constitution recurring to conditions

existing before the adoption of the fifteenth amendment and the continuance of which conditions that amendment prohibited and making those conditions the test of the right to the suffrage, is in conflict with and void under the fifteenth amendment.

"The grandfather clause incorporates by reference the laws of those states which in terms excluded negroes from the franchise on January 1, 1866, because of race, color, or previous condition of servitude, and so itself impliedly excludes them for the same reason.

"Its effect is to exclude practically all illiterate negroes and practically no illiterate white men and from this its unconstitutional purpose may be inferred."

Difficult educational tests and moral requirements too vague to fulfill in cases where they were actually pressed, are other means by which the negro was disfranchised. The earliest educational requirements were not in Southern states. Connecticut, in 1818, set the first educational test, which was for bona fide educational purposes. Other early educational tests were designed to exclude the foreigner and were inserted during the "Know Nothing" or American Party movement in the middle of the last century.

Seventeen states in all have educational tests. Some Eastern and far Western states have them for bona fide educational purposes and supple-

ment them by a fairly good system of free education, a compulsory education law and a small percentage of illiteracy. The educational tests of the South go hand in hand with bad public educational facilities and a large percentage of illiteracy. The fact that it has no educational purpose is brought out in some of the Southern states by the captious and difficult character of the test, which would tax a quick-witted man's brains. Louisiana requires a seventy-five word written application for registration; Virginia, a written application giving the voter's history for two years previous and his previous vote. Mississippi requires not only the reading of a section of the constitution, but a "reasonable interpretation thereof."

The states whose purpose is a bona fide educational test require merely that the voter be able to read a section of the constitution and to write his name. New Mexico came into the Union in 1912 with a prohibition of educational tests.

In thirty-four states the insane, idiots, or both are disqualified in specific terms. Though no mention of either class is made in the constitution of the other states, these persons are probably disqualified in actual practice.

The moral requirements imposed on voters by the Southern states are no less distinctive than the educational. Thus in Alabama, if the negro has no property, he has as part of the

educational qualifications, to give evidence of "regular work in a lawful employment for the greater part of the preceding year," and in Alabama and Georgia he must be a "person of good moral character who understands the duties of a citizen of the republic." These are requirements which can be interpreted freely and can be pressed or not according to the will of election officials.

Not all moral tests have reference to the negro. Practically all the forty-eight states lay down some moral requirements, many of them impossible to enforce. These cover a wide field, from wife beating to election frauds. On the whole, in the Western and Northern states dishonesty in public life is accentuated; in the patriarchal South where the family is, on the whole, more dominant, sexual irregularities have more prominence.

Many states disqualify paupers and tramps. A few states have moral qualifications which are so quaint as to be reminiscent of colonial days. Thus, no less than eight states disqualify a duelist; Connecticut requires "a good moral character" and a "quiet and peaceable behavior." Vermont and Virginia require that voters have an "attachment and interest in the community."

Twenty-two states disqualify for all crime; South Carolina for certain crimes; and Alabama enumerates a long list. A few states

disqualify prisoners as such, but while conviction of crime is a permanent disability in New Jersey, some states especially provide that a prison sentence once served shall not thereafter disqualify a voter.

Mississippi, which punishes the unjust by depriving of the vote a person once convicted of crime, rewards the just by setting a very short residence requirement for ministers, and South Carolina pays a like premium to this class and to school teachers.

Idaho denies the vote to polygamists and to "any one who teaches that the laws of this state prescribing civilized conduct are not the supreme laws of the land."

California and Idaho disfranchise the Chinese, the Idaho provision covering also persons of Mongolian descent, in the face of the fact that by federal law, Chinese born in this country are citizens of the United States and are not to be disfranchised on grounds of race. Even before the exclusion laws, Chinese immigrants had been regarded as ineligible to citizenship in the United States. Many states had admitted them to citizenship, however, and it was not till 1882 that a federal statute provided that "Hereafter no state court or court of the United States shall admit Chinese to citizenship." There are still, however, many thousand American-born Chinese voters.

The untaxed Indian on the reservation is a

ward, not a citizen, but the amendment of May 8, 1906, to the Federal Allotment Act expressly provides that those who have left the reservation and adopted habits of civilization shall have the citizen rights of natives of the United States, and this act is often made to cover whole tribes. As in the case of the American born Chinese and the negro, some states lay down conditions in regard to the Indian which seem contrary to the fifteenth amendment. The Rhode Island constitution, for instance, forever disfranchises by constitutional provision the Narragansett tribe.

Short or long residence requirements and special naturalization provisions show whether or not a state wants to attract settlers. In their early history some of the states laid little stress on citizenship or length of residence. Maine required and still requires only three months. Six states require to-day only six months, but Rhode Island, under "Know Nothing" influence, and six Southern states, require two years.

At one time thinly settled Florida, together with some Western states, required of voters no more than first papers, or intention to become citizens. To-day seven states grant voting rights on first papers. Efforts have been made since the war to do away with voting on first papers. Texas has by statute prevented the first-paper alien from voting at the prima-

ries, and Kansas and South Dakota will vote on his full disfranchisement in November, 1918. In addition to the seven states above, Michigan and Alabama set a date limit, now past, to the first-paper privilege, but in Michigan, at least, this limit has been disregarded.

Kansas first, in 1913, and since then nineteen other states, have made voting easy by allowing absentees, in some cases absentees from the precinct, in others from the state, to mail their ballots. Mail or absent voting is the only way to make practical the provision found in many constitutions that absence from the state of soldiers, sailors or public officials shall not entail loss of citizenship. Within the last year many states have made provision for absent voting of soldiers during the war. There are many seasonal and migratory workers, lumbermen, transportation workers, roadmakers and actors on the road for whom the same provision should be made, not as a war measure but as a permanency.

(For Reference, see Table of Suffrage Qualifications.)

State Suffrage Qualifications in 1918

State	Woman Suffrage	Education	Tax	Choice [1]	Misc.	Special [2]
Alabama		Able to read and write Constitution in English and regularly engaged in lawful employment for the greater part of preceding year.	Prepayment of poll tax due since 1901; Ownership and payment of taxes on 40 acres of land on which he resides or property assessed at $300.	Permanently registered as voters, 1, all men who served in any war of the U.S. before 1898, in Confed. States or Alabama, or 2, Descendants of such, or 3, persons of good moral character who understand duties of citizens of Republic.	Two years' residence in State required.	
Arizona	Full W. S. "word *Citizen* shall include members of the male and female sex." Const. Art. VIII, Sec. 2 and 15. (Am. 1912.)					Only taxpayers vote on bond issues or special assessments.
Arkansas	Partial W. S. Primary: "Subject to provisions of law of this state, every woman shall have the right to vote at any primaries. (By terms of this law		Prepayment of poll tax.		Registration requirement prohibited. Aliens who have taken out first papers can vote.	

[1] The *Choice* column, taken in conjunction with Tax and Education columns, applies to Southern states only. In order to elucidate the text on Southern state requirements, some tests (as in Oklahoma) now declared unconstitutional, and others (as in North Carolina) which come to an end on a certain date, are nevertheless left in this table.

[2] This column covers requirements applying only to school tax or bond suffrage.

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
	women assume the burden of the poll tax, which is by constitution required of males only. Law of 1917.)					
California	Full W. S. "Every native citizen of U. S., every person who acquired rights of citizenship by treaty, every naturalised citizen resident of state and county in which *he* or *she* claims vote shall be entitled to vote." Const. Art. II Sec. 1. (Am. 1911.)	Read constitution in English and write name. Does not apply to those having voted in 1911.	Property qualification prohibited.			
Colorado	Full W. S. "Every female person shall be entitled to vote at all elections in same manner as male persons." Law of 1893 afterwards incorporated in constitution.	Legislature authorised to prescribe tests by law.			Absent vote (within state).	
Connecticut	Partial W. S. Library or school officer or question. Law of 1909.	Read any article of Conn. Const. in Eng. or any sect. of Statutes.			Soldier vote.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
Delaware	Partial W. S. Charter municipal suffrage in Milford and Newark.	Persons 21 years old after 1900 must read Del. Const. in English and write name.	Poll tax on male citizens.		Soldier vote.	
Florida	Partial W. S. Charter municipal suffrage in Aurantia, Cocoa, Orange City, Deland, W. Palm Beach, Palm Beach, Fellsmere, Florence Villa, Moorehaven, and Clearfield.		Prepayment of capitation tax.		Absent vote, by mail for all.	
Georgia		Read in English any paragraph of U. S. or Georgia Const. and write same.	Prepayment of all taxes regularly since 1877. Ownership of 40 acres of Georgia land on which he resides; or property of $500.	All who served in war of U. S. or Confed. or Ga. All descendants of same. Persons of good moral character understanding duties of citizens of Republic.	Absent vote.	
Idaho	Full W. S. Every male or female who is qualified as an elector.		Property qualification for general suffrage prohibited in Const.		Six months' residence in state required. No polygamist can vote.	Property qualification for school, question or indebtedness.
Illinois	Partial W. S. "All women shall vote for presidential electors; members State Board of Equalisa-				Absent vote. Soldier. vote.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
	tion, Clerk of Appellate Court; County collector; Surveyor; Board of Assessors and of Review; Sanitary District trustees; most officers of cities, villages and townships, and on questions and proposals submitted in political divisions of state." Law of 1913.					
Indiana	Partial W. S. Presidential (all local suffrage given by law of 1917 was taken away by decision of the courts.)				Six months' residence in state required. Aliens who have taken out first papers can vote. Soldier vote.	
Iowa	Partial W. S. Tax and Bond Law of 1894.				Absent vote.	
Kansas	Full W. S. "Right of citizens of state to vote and hold office shall not be abridged on account of sex." Const. Art. V, Sec. 1, Amend. 1912. Wives of first		Property qualification prohibited.		Six months' residence in state required. Aliens who have taken out first papers can vote. Absent vote.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
	paper aliens cannot vote. (From 1887 to 1912 women had statewide municipal suffrage.)					
Kentucky	Partial W.S. School Law of 1912 (First school suffrage was given to Ky. women (widowed) in 1838—first suffrage given woman in the world).		Prepayment of poll tax in cities where required.			
Louisiana	Tax (district). Woman can vote in person or by proxy. Law of 1898.	Read and write. Must write 75 word application for registration.	Ownership of and prepayment of taxes on La. property not less than $300. Exhibit poll tax receipts for 2 years preceding election.	Special regulation (1898) gave permanent right to males who could vote in any state in 1867, or son or grandson of same; or foreign born, naturalised in U. S. before Jan. 1, 1898. Restriction of registration to above date removed in 1912.	Two years' residence in state required. Soldier vote.	
Maine		Read Constitution in English and write name.			Three months' residence in state required. Soldier vote.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
Maryland	Charter suffrage in Annapolis.					
Massachusetts	Vote for members of school committees. Law of 1879.	Read Const. in English and write name.	Assessment of poll tax.		Soldier vote.	
Michigan	Presidential law of 1917. Bond law of 1908. School: if parent. Law of 1875.				Six months' residence in state required. Absent vote. Soldier vote.	
Minnesota	School and Library. Law of 1875.		Property qualification prohibited.		Six months' residence required. Absent vote.	
Mississippi	School Law of 1880.	Read any Section of Miss. Constitution, or understand and give reasonable interpretation. (1892.)			Two years' residence in state required. Soldier vote.	
Missouri					Aliens who have taken out first papers may vote. (Not enemy aliens.) Absent vote.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
Montana	Full: "Male" dropped from suffrage clause. Const. Art. IX. Sec. 2. Amend. of 1914.				Absent vote. Soldier vote.	Taxpayers vote on questions of taxation.
Nebraska	Presidential and large degree of local suffrage. Law of 1917, but suspended, awaiting result of a petition asking for referendum which has been filed. The legality of the petition is being attacked in the courts. An older law gives mothers of school children or tax-paying women of some districts school suffrage. Law of 1883.				Six months' residence in state required. Aliens who have taken out first papers may vote. Absent vote.	Elector voting at school election must own property or have children of school age.
Nevada	Full: "There shall be no denial of elective franchise on account of sex." Const. Art. II Sec. 1, Amend. 1914.		Prepayment of poll tax.		Six months' residence in state required. Soldier vote.	
New Hampshire	School (districts) "whether male or female." Law of 1878.	Read N. H. Const. in English and write. Does not apply to those voting in 1912 or those 60 years in 1904.	Prepayment of all taxes including poll, assessed for year prior to election.		Soldier vote.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
New Jersey	School appropriations. (Some districts.) Law of 1887.				Soldier vote.	
New Mexico	School: (can be suspended in district by petition). Law of 1908.	Negative: The right of any citizen to vote shall not be restricted, abridged, or impaired, on account of religion, race, language or color, or inability to speak, read or write the English or Spanish language.				
New York	Full: (wife of naturalised citizen can not vote till 5 yrs. in the U.S.) Const. Am. of 1917.				Soldier vote.	For school vote must have children of school age, or taxable real estate or personal property of $50.
North Carolina	Charter suffrage in Wrightville.	Read and write any sect. of Const. in English.	Prepayments of poll tax of year previous. Property qualification prohibited.	No male who was legal voter in any state in 1867 and no descendant of such shall be denied right to register as permanent voter (before Dec. 1908) by reason of failure to possess educational qualifications.	Two years' residence in state required. Absent vote.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
North Dakota	Presidential and large degree of local.	Legislature authorized to establish educational test.			Absent vote. Soldier vote. Aliens who have taken first papers may vote.	
Ohio	School: law of 1894. Charter suffrage in Columbus, Cleveland (1917) and Lakewood.					
Oklahoma	School: law of 1890.	Read and write any section of Oklahoma Const.	Poll tax *may* be required of voters only.	No person voting in 1866, in any state or then residing in foreign nation, nor descendant of such, shall be denied right to vote because unable to read and write Const. (Held unconstitutional by U. S. Court in case discriminating against negro.)	Soldier vote.	
Oregon	Full: "Every citizen shall be entitled to vote." Amend. 1912.				Six months' residence in state required. Aliens vote on first papers.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
Pennsylvania			If 22 or over, male citizen must have paid state or county tax.		Six months' residence in state required if former citizen, otherwise one year required. Soldier vote.	
Rhode Island	Presidential: (No poll tax, as this is not full suffrage. Wife of naturalized citizen must have been in U. S. five years.) Law of 1917. ch. 1507.		A poll tax (school fund) assessed on electors only.		Two years' residence in state required. Soldier vote.	To vote on city council of any measure imposing tax, must have paid tax on $134.
South Carolina		Read and write any section of S. C. Const. (1895-1898) to secure life registration; read or understand and explain when read.	Prepayment of poll tax six months before election. Proof of payment of all taxes assessed. Proof of ownership and taxation on $300 of property in S.C.		Two years' residence in state required.	
South Dakota	School: Law of 1887.				Absent vote. Six months' residence in state required. Alien who has taken out first papers can vote.	

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
Tennessee	Charter suffrage in Lookout Mountain, 1917.		Proof of payment of full taxes assessed. Male citizens pay poll tax.		Absent vote. Soldier vote.	
Texas	Primary elections and nominating conventions.		Prepayment of poll tax by Feb. 1. Women register first year instead of paying tax.		Aliens who have taken out first papers can vote. A law of 1918 deprives them of vote at primaries.	Only taxpayers vote on expenditure of money.
Utah	Full: "Every citizen shall be entitled to vote." Art IV. Sec. 2, Am. 1896.		Poll tax on male citizens.			Payment of property tax required in order to vote on measure creating indebtedness. Otherwise property qualification forbidden.
Vermont	School: law of 1880. State-wide municipal suffrage, small property qualification. No poll tax. Law of 1917.				Absent vote. (within state)	Property and poll tax requirements for municipal or town suffrage. (Males only.)

STATE SUFFRAGE QUALIFICATIONS IN 1918—*Continued*

State	Woman Suffrage	Education	Tax	Choice	Misc.	Special
Virginia		Registration. 1902-1903: Read any sec. of Va. Const. or understand when read. Since 1904 application in own handwriting giving personal history for 2 years previous and data as to previous vote.	Prepayment of poll tax. Not required of veterans. Registration 1902-1903. Ownership of Va. property on which $1.00 tax. Since 1904 payment poll taxes assessed for last three years.	Registration 1902-1903; any one serving in war of U. S.-Confed. or any state before 1902. A son or grandson of such.	Two years' residence in state required. Absent vote. Soldier vote.	
Washington	Full W. S. "There shall be no denial of the elective franchise on account of sex." Art. VI. Sec. I. Am. 1910.	Read and speak English language.			Absent vote (within state)	
West Virginia					Soldier vote.	
Wisconsin	School (districts) officers and questions. Law of 1900.				Absent vote. Soldier vote.	
Wyoming	Full: "Every woman . . . cast a vote." Law of 1869.	Read Wyoming Const. (Except illiterates voting in 1890.)			Absent vote.	Property owners vote on special school district taxes.

CHAPTER V

WOMEN VOTERS IN THE STATES

As we saw in the chapter on political rights under the United States Constitution, suffragists have always considered the National Constitution the main route to woman suffrage. But knowing that an amendment to the National Constitution must be ratified by thirty-six state legislatures, they have worked in the states also, partly on the principle of little by little, but largely for educational purposes, to ensure public sentiment in as many states as possible against the time when the ratification campaign begins. As long ago as 1869 work for full or partial suffrage in the states began with the founding of the American Woman Suffrage Association to work for "suffrage state by state." This was amalgamated with the National Woman Suffrage Association in 1889, forming the "National American," still active for suffrage by both state and national legislation.

Seldom has any degree of suffrage been extended to women in the United States without their working for it. Most states have acted

in the spirit of the Virginia Constitution, in force till 1830, which declared in its suffrage clauses, "provided always, and it is the true intent of this act that no woman, sole or covert —and no recusant convict—shall be entitled to vote." The other early constitutions were not so unmannerly as that of Virginia; they contented themselves with inserting the little word "male" in the suffrage clause. The suffrage movement in the states has been an effort to erase this well-nigh indelible word "male."

Where women have been voluntarily given the vote it has been, as it were, by inadvertance, and has generally been withdrawn.

Though the right had been claimed a hundred years before by Margaret Brent, of Maryland, sister-in-law of the governor of that colony, the first and for a long time the only woman in the colonies to vote was Deborah Moody ("Lady Moody"), the oldest patentee of the colony of New York, who voted at Gravesend, L. I., in the middle of the 18th century. Through an apparent oversight in the charter, which omitted the adjective "male" before the word "inhabitants," women voted from 1790 to 1807 in New Jersey.

In 1838, Kentucky, in those days among the most progressive of the states, passed a law allowing widows with children to vote at school elections.

All other suffrage granted women in the

United States has been gained step by step in the course of a struggle lasting well on to three generations, during which time some two hundred suffrage bills have been introduced in the legislatures of the forty-eight states, the earliest being a bill for full suffrage by constitutional amendment in the Nebraska Legislature of 1856, which failed to pass. In 1869, Wyoming gave full suffrage by statute of its territorial legislature; in 1887, Kansas gained state-wide municipal suffrage which was superseded by full suffrage a generation later. In 1893, Colorado women gained full suffrage, and eighteen other states have followed with full or a large degree of suffrage, eight of them granting the vote within the last year. In fifteen other states women have gained the right to vote at school elections; in two, on local measures involving taxes or bonds.

Full suffrage by the state route is given only by amendment to the state constitution, and this method is "beset by pitfall and by djinn," for more than half our state constitutions are almost unamendable, that is, if the strict constitutional requirements are observed. A constitutional amendment resolution must pass the state legislature, and then, in all states but Delaware, be submitted to referendum vote of the people.[1]

[1] W. F. Dodd in his *Revision and Amendment of State Constitutions* (p. 185 ff.) tells some of the devices by which in the case of amendments favored by politicians, constitutional obstructions have been circumvented.

Amending provisions often require a three-fourths vote of both houses, the passage of two legislatures, a fixed limit to the number of amendments submitted to the people at once, a large fixed percentage, much more than a majority, of the referendum vote to be in favor, a certain term of years before an amendment once defeated can be submitted again—two or more of these handicaps being met with in most of our state constitutions. On account of these handicaps there are cases where non-controversial amendments have been submitted again and again before they were passed. New Mexico, so hospitable to illiterates that it forbids an educational test, is so inhospitable to women, the only disfranchised class in the state, that it has a special amending provision for suffrage, which requires a three-fourths vote of its legislature, and at the referendum vote three-fourths of those voting at the election, with two-thirds from each county—a majority too large ever to hope for. Wisconsin also has harder requirements for amending the franchise than for three amendments.

At its 1915 session the Arkansas Legislature passed a suffrage amendment bill by a generous majority; in Kentucky a bill passed both houses by a majority, and one house in five other states. In Arkansas, a constitutional provision that only three amendments can be submitted to the people at once rendered of no avail the passage of

the legislature. In the five other states the enormous "constitutional majorities" of two-thirds or three-fourths required in a legislative vote on amendments defeated the measure.

Eleven states have, in spite of these handicaps, gained full suffrage by state constitutional amendment; and Wyoming by act of its territorial legislature. In all others amendment bills have been introduced; in thirty states, all told, they have been put to the vote of the people, the earliest referendum being in Kansas in 1867, and between three and four million male electors have since that date voted "yes."

Side by side with the effort to amend state constitutions the method of gaining as much suffrage as the state legislature could give by statute, requiring a mere majority vote of both houses, has been tried in every state. A full half of the 200 odd bills spoken of before have been of this sort. Women have asked for school suffrage, local tax or bond suffrage, statewide municipal suffrage, suffrage for local officials—every kind of suffrage, in fact, which was not mentioned in the state constitution as belonging exclusively to the voters named in its suffrage clause. In this effort the women have shown great ability and resourcefulness, "cutting their coat according to their cloth," and they have to show to-day as grist from the many bills they have pushed, the partial suffrage already referred to in twenty-six states. In fif-

teen states they have school suffrage; in two, local tax or bond suffrage; in two, suffrage at primary elections; in one, state-wide municipal suffrage, and in six, presidential suffrage, the law in three of the latter states (Illinois, North Dakota and Nebraska) also conferring the right to vote for local officials and on local measures. Thus in more than half our states women already have a sort of "partial" voting citizenship which is peculiar to their sex, for all males in the history of suffrage have had the whole vote or nothing.

It is an interesting fact that one of the forms of partial suffrage enumerated above has indirectly come to women from the United States Constitution. Of presidential elections, Article II, Section 2, says: "Each state shall appoint in such manner as the legislature thereof shall decree a number of electors." The United States decrees that not the electors enumerated by state constitutions but those decided on by the state legislatures shall elect the president of the United States and in this way has made it possible for women in six states to vote for the chief executive of the nation. [2]

The variation between states in number of voters is wide. *The Encyclopedia of American*

[2] Presidential suffrage was granted Ohio in 1917, but was withdrawn by referendum vote. If this vote had been taken to the United States Supreme Court there is no doubt that presidential suffrage would have been restored to the women of Ohio.

Government shows that in the election of congressmen in 1910 the ratio of voters to population in certain states was as follows: Mississippi, 1 in 75 people; Carolina, 1 in 50; Massachusetts, 1 in 8 and Utah 1 in 4. The fifty per cent. difference between Massachusetts and Utah the encyclopedia lays to woman suffrage, and the smallness of the vote in the Southern states to the impediments put by their constitutions in the way of the negro voter.

In other words, the South distrusts democracy, but the equal suffrage states, where men and women vote, welcome it in its fullest expression.

(For Reference, see Table of Suffrage Qualifications.)

PART II

APPLYING CITIZENSHIP

CHAPTER I

DOUBLING THE ELECTORATE

Woman Suffrage will increase our electorate from 30 per cent. in some of our Western states to 100 per cent. in a few states on the eastern coast.

Women have voted in all the equal suffrage states many months before special "enabling" legislation was passed to provide for their accommodation at the polls. In most states no such legislation has been necessary, for in very many states and in very many places in all states the election machinery is not used to capacity by the men voters, and local election boards have authority to make any further provision that may be necessary.

The story of the authentic first women's vote has been lost in the majority of the equal suffrage states, but Lisle, which voted on local option (prohibition) five days after the New York woman suffrage amendment went into effect, holds the first place in that state, and Mrs. Florence K. Chauncey goes down in history as the first woman voter in the greatest state in the Union. In Illinois the village of Denton makes

the claim to be first. Here the women turned out in greater number than the men, but they did not swamp the polling places. Incidentally the issue at Denton was the same as at Lisle, and it is a matter of record that the women voted "dry" 408, and "wet" 14!

The women at Lisle had previously obtained a statement from the Attorney General of New York that "No amendments to the election law are necessary to permit women to vote at any elections except primaries. They can vote at any and all elections, special or otherwise, held subsequent to January 1, 1918."

Enabling legislation is not only not required, it is not even called for by practical convenience, except in the populous states.

Even as populous a state as California has been able to vote her women without special legislative provisions. The only states which have needed legislation so far have been Illinois and New York. New York passed a special women's enrollment act for the year 1918, and a general act amending the election law to provide extra days for registration before election day, extra election inspectors and extra accommodations for voting on that day.

Enrollment is a preliminary requirement for voting in the nominating elections (primaries) before elections. In the fall general election primaries, voters enroll after the general election of the preceding year. But the New York

women voters of 1918 were not eligible to enroll in 1917, so the legislature set special primary enrollment days for women late in May, 1918. If this legislation had not been passed it would simply have meant that women could not have voted at primaries till 1919.

The experience of Illinois which has had woman suffrage since 1913 shows how best to provide for a doubled electorate on election day. Throughout the state no redistricting was necessary, the old voting accommodations being adequate for both sexes. In the city of Chicago, however, the number of precincts or election districts was increased by 632, or 40 per cent. This was done without new legislation, to carry out an already existing provision of the law that 300 should be, roughly speaking, the maximum number of votes taken care of by a precinct. In 1917, however, after four years' experience of woman suffrage, including the heavy vote at a presidential election, the law was amended giving 400 as the desirable number but permitting even as many as 600 to vote at one polling place. In other words, instead of expensive redistricting with 632 extra polling places, it was found that the old polling places had facilities for caring for more, at a pinch for even double the number of voters, with but trifling added expense. This was possible because most women voted during the middle of the day instead of at the early and late rush hours when the men were

voting heavily. Another reason, according to Judge Scully, head of the Chicago Board of Election Commissioners, was that the women judges and clerks of election, from about 750 at first to about 2,000 scattered throughout the city in 1917, *were so much more efficient than the all-men groups.*

In other words, the main legislation needed to meet the practical election day problems raised by doubling the number of voters is, if we may judge by the experience of Chicago, a law to allow more voters to an election district and where their terms specify men, a further change in state election laws making it possible for women to serve as clerks and inspectors of elections.

Doubling the electorate by woman suffrage has often been said to entail necessarily a doubling of election expense, especially in populous states. As a matter of fact there are many more factors than the number of voters which enter into local election expense. Again Chicago furnishes the example. Previous to 1917 Chicago had a very bad election law, a very cumbersome and expensive election machinery. In that year the law was so thoroughly made over that the chairman of the election board has estimated that in 1918 election expenses will be actually smaller than before Chicago women got the vote.

Shortly after women got the vote in New York

the mayors of New York cities met in conference on election cost. They showed that the New York law also needed overhauling, for with men alone voting election expenses had been out of all proportion. At that time the average cost per vote throughout the cities of the state was $1.56. The management of elections in the cities of New York was even worse than it had been in Chicago under its old law. For except for the year 1916, which was the most expensive in its history, owing to a provision in the old law requiring a complete reorganization of the election machinery, Chicago's expenses with woman suffrage had never been exorbitant in proportion to those of New York without woman suffrage.

A volume on the cost of elections, issued in 1915 by the Chicago Election Commissioners, brought out the many elements besides the number of voters which enter into cost and showed by figures back to 1906 that Chicago in some years before woman suffrage (1913) paid more per vote than in the years 1914 and 1915; paid lump sums in some of these earlier years quite out of proportion to the lump sums under woman suffrage, and in one year, when men alone voted, paid over $100,000 more than in the year 1915, though the number of voters in this earlier year was almost 200,000 less.

A table of ten large cities in this report shows that in the years compared, 1914 or 1915, Chi-

cago was one of the most economical in its election expense; only one of the ten cities, all but one of which had male suffrage, actually costing less *per vote* than Chicago, and four costing more than Chicago *per capita* of the total population. These figures show that in New York City a vote cost $1.60, as against 57c in Chicago; that in New York less than 950,000 votes (men only) were cast at an expense of over one million and a half, as against more than 1,370,000 (men and women) in Chicago at an expense of only about $785,000. Thus, more than 400,000 less votes in New York cost that city very nearly twice the amount spent in Chicago. Further, the *per capita* cost of the elections compared was 27c in New York; 32c in Chicago. *This means that on Chicago's population, the New York election would have cost no less than* 60c *per capita.* To analyze further in terms of registered voters, the cost per registered voter in New York was $2.29; the cost per registered voter in Chicago, was $1.09. This was in a year in which Chicago and New York had the same amount of election activities.

The year 1916 was, for the reason I have already given, more expensive in Chicago than New York, but the whole analysis of the ten years up to 1916 is interesting because it shows how relatively small a part the number of voters appears to play in the cost of elections. That it does play a relatively small part is

borne out by the fact that the New York City election authorities who paid $300,000 for voting men only in 1917, estimate that they will need $350,000 in 1918 to vote men and women. That is, "doubling the electorate" will cost only $50,000.

Nevertheless, even if doubling the electorate did actually double the cost of voting it should give us no alarm. The Chicago election commissioners tell us why. In a passage curiously eloquent for a document so dry, they say:

"It is customary in our day and age to weigh the value of an enterprise in dollars and cents. Sometimes it is a just determination of values, sometimes not. The distinction between just and unjust lies in whether you test by this standard the cost of election which *must be high in proportion to the democracy of the suffrage,* or cost of conducting elections, which must be reduced as far as possible." The cost of conducting elections the Chicago law of 1917 will reduce. The increased cost of elections due to the democracy of the suffrage the report accepts as entirely justifiable, for "to swell the expression of the popular will to the fullest possible volume is the duty of public officials and lawmakers and one of the foundation stones of American civil government."

Points for Reference in Chapter I

Woman suffrage increases the electorate from 30 per cent. in Western states to 100 per cent.—or double —in populous Eastern states.

In latter states some readjustments necessary to accommodate new voters, but the amount of readjustment and the expense has been exaggerated.

Experience of Illinois, which went to an expensive readjustment with additional precincts, etc.; now finds that this was unnecessary; has rearranged the machinery on a simpler basis, which will make elections cheaper than before woman suffrage.

Election expense due to complex causes and not merely to number of voters. . . . Compare figures given for Chicago in various years before and after woman suffrage and compare expense of New York and other cities with that of Chicago. In 1917 New York City expenses, men alone voting, were $300,000; for 1918 authorities estimate that an additional $50,000 will be used, that is, an increase of 1/6 in expense, though the electorate of that state has been almost exactly doubled.

Democracy *vs.* Cost.

CHAPTER II

THE VILLAGE VOTE

The voter applies his citizenship in national elections in forty-eight state elections and in elections for local candidates in many thousand local governmental units. As this chapter is being written ten thousand villages in the United States are holding their annual elections.

The village is the middle unit of local government. In the order of size the school district is smallest, the county largest. The state is normally divided and subdivided politically into county, city or village, or township, and school district. All these units are created and their boundaries, officials, and powers laid down by state law, but within the limits laid down by the state they are self-governing, their governments being charged to carry out both state laws and local ordinances. In the main, the state prescribes the thing to be done, the local unit carries it out, sometimes, as in the case of roads, with the help of state money or state officials, sometimes alone. The city, or village, and the township are mutually exclusive. Of the latter the school district is a subdivision. The school

district and the township are "rural units"; the city and village are "urban units."

In the South most of the subdivisions of the county are lacking; the county is the characteristic local unit. In New England the town overshadows the county.

The school district, the smallest unit of government, is purely educational in its functions.[1] It is so small that in New York alone there are as many school districts as there are villages in the United States. Citizens—in some states only those who pay taxes or are parents of school children—at the annual district meeting in May vote the school tax and other school measures, elect school trustees, a clerk, a school tax collector, a treasurer and an attendance officer. To the trustees fall the general management of the school, care of school property, salaries of teachers, courses of study and school supplies. All school officials are paid, generally at the rate of two dollars a day.

Next above the school district comes the township or town, on a larger scale and with more complex matters to handle. In New York, for instance, a township has within its area an average of ten school districts and embraces within the scope of its government general police protection, care of the poor, minor courts and care of roads and bridges, also the common but

[1] The school district is the smallest of a series of units, which work in coöperation with the State Department of Education.

not the local interests of the school districts of which it is made up.

The legislative powers of local governments are small, for the main laws governing local units are passed by the state. But there are local ordinances, local appropriations and other local measures which are still left to the small units.

The town in its purest form exists in the New England states. There it is locally, except in those states where there are property qualifications for the local franchise, a *pure* democracy and a *direct* democracy; for the town meeting, made up of all the voters, which takes place in the Spring (October in Connecticut) is the town legislature. It votes, taxes, initiates enterprises, criticizes officials, makes appropriations, legislates on local option and other matters. Besides all these powers, it elects the town officials, including selectmen, who serve for three years, a school committee, one-third of whom are changed each year, assessors, tax collectors, auditors, treasurer, overseers of the poor and highways, constable or rural policeman and town clerk, most of these officials serving one year.

The population of a New England town averages from 400 to 4,000, rural and scattered over a fairly wide territory. The range is very great; Brookline (Mass.) has 30,000 population,

whereas New Ashford (Mass.) has only 92 souls all told.

In New York and the middle Atlantic states the town meeting is preserved but in many cases it is more like an ordinary election, in some towns held in March, but in most at the general election in November, and in odd years, instead of annually as in New England. Measures as well as men are voted on. The town officers elected are supervisor, clerk, assessors, collector, overseer of the poor, superintendent of highways, school directors, constables and four justices of the peace. The supervisor, who is elected for two years, is the chief town executive officer and represents the town on the County Board. The Town Board is made up of the supervisor, clerk and two justices of the peace. Its duties cover disbursements, health, highways and bridges, the supervision of elections, for which it appoints special officials. The pay of all these officials is nominal, considering their duties, two dollars a day, the main source of income coming for many of them from fees.

In the Southern and Middle Western states townships are either unimportant and have few functions or, in many counties, do not exist.

The village is especially important in Middle Western and Middle Atlantic states. When twenty-five town voters decide that congestion of population has created new problems which the town government is unable to cope with,

they may submit a proposition to incorporate a village to the town supervisor. If he approves, the proposition is submitted to the voters and, if it passes, a village (sometimes called "borough") is incorporated by the state legislature. Villages are in most states independent of the township in which they are situated. They are cities on a small scale, their population ranging from 100 to 10,000. In Texas and Wisconsin many cities have only a few hundred population, and in New York some villages have a population of 16,000. There is no hard and fast population line between village and city.

The annual spring village election, or "meeting," elects the village officials, all of whom serve one year, except the trustees, who serve two years, half elected each year, and the police justice who serves four years. These officials are a president, board of trustees, of which the president is ex-officio a member, treasurer, clerk, assessors, tax collector, street commissioner, police justice, and the board of education. The trustees appoint a board of health which elects a health officer. The president's duties are to see that the village by-laws are enforced (among his other functions he is chief of police), and to have general charge of village affairs. The duties of the trustees are to make by-laws, appropriate public moneys, *maintain water-works, sewers, streets, police and fire departments, regulate certain trades* and fix salaries. In the ac-

tivities italicized and in the offices of health officer and street commissioner are to be seen the difference between a town and a village. In the village certain matters attended to in the rural town by the individual are taken over by the corporate body. We shall see the range of corporate activities further broadened when we come to the city, for the city is the village grown to maturity.

About the middle of March, 1918, the women in most of the villages of New York State cast their first vote on local candidates and local issues. The village elections of New York were only distinctive in that this was the women's first vote on a large scale in the greatest state in the Union; therefore it was given considerable space in the papers. At the same time voters were casting their ballots in many thousand villages in other states.

A few representative examples from New York State will give an idea of what a village election means. In many villages only candidates—president, board and other officials—were voted on. At Scotia there was up also a proposition to buy a voting machine—voted on as all such propositions are, by taxpayers only, and voted down as too expensive. At Malone the voters abolished the office of police justice. At Mamaroneck the issue was between control by political parties, always injurious and unnecessary in local elections, and the preservation

of non-partisan elections. At Scotia non-partisanship was so well in control that the non-partisan "party" held a caucus and nominated its candidates who went through on election day almost unanimously, for there was, as in many other villages, only one ticket. In many villages registration was not required and the voters had no duties to perform in advance of election morning. At Sacketts Harbor a woman was elected village president, but at Gouverneur, one of the major parties put up an all-woman ticket to try out sex-partisanship, only to find that no such thing existed in that village.

At the village of Mayfield only sixteen voters, all told, turned out. Mayfield shows the difference between what should be and what is. The small unit of government deals with matters close to the voter's life. The villager decides at these spring elections whether his streets shall be drained and lighted, his home protected against thieves and fire and whether an office shall be created or a measure passed which shall directly affect his pocketbook. Yet a presidential election which, except in times of war would not touch his life immediately at any point, would probably bring out ten times the vote at this same village.

The smallness of the normal vote at local elections is the more disappointing because it is in the small units of government that democracy is most complete. Of the township, the local

unit next to the village in size, one writer says "it represents the largest area directly controlled by the assembled voters." All political areas larger than these are ruled by the people's representatives, not by the people themselves. The local unit of government is potentially the real democracy.

Many of the town or village officials named in this chapter do not exist in some towns or villages. Where the county is highly developed and the smaller units unimportant, the only officials who fulfill certain functions are county officials. The main functions of the commoner local officials will be described at the end of the chapter on the county.

(For Points for Reference see end of next Chapter.)

CHAPTER III

THE COUNTY

The county is the only unit of local government which is common to all states. Even in New England, where it is overshadowed by the town, it persists, and in the South it is practically the only local unit.

There are in the United States almost three thousand counties ("parishes" in Louisiana) covering the entire area of all states, each state adopting its own standards of number and size. Delaware has three, the minimum number, and Texas the maximum, 248. Though all cities must perforce be in counties, yet five-sixths of the county area of the United States is rural, a unit wide in area and thinly populated.

The area of individual counties ranges from Bristol County, Rhode Island, 25 miles, to Custer County, Montana, 20,490 miles, the average being somewhere about 600 miles; population runs from half a dozen souls in Brown County, Texas, to between two and three millions in New York County; a common population is about 200,000.

The county's functions are few, for when people live far apart they neither need nor are able to undertake many collective activities. The number of the county's functions depends in part on the degree of development of the smaller local units in a particular state and this in its turn depends mainly on density of population. "Everywhere and above all," says an authority on local government, "the county is a district for the administration of justice." The county seat is the place where the jail and court house are and the greater number of county officials are connected with justice. In most states county functions cover also taxation and finance; in all but New England, roads; in many the county has some educational and charitable functions; in many it has the conduct of elections.

These functions, or such of them as the county performs in a particular state, are carried out by a county board with legislative powers and by certain administrative officials.

County boards are of two kinds; Boards of Supervisors, one elected from each town, for a period of two years in most states, are characteristic of those states where town government is important; Boards of Commissioners, generally three or five, elected at large, are characteristic of the states where the smaller units are unimportant. Rhode Island, a state of the New England group in which the town has rendered

county government unimportant, has no county board. Georgia has no board, strictly speaking, and in Virginia the Justices of the Peace serve as a county board.

There is in the county no direct democracy, no general meeting of the voters for direct supervision of county affairs; the voters have no part except to elect, at the fall general elections —or, in some states, in odd years to avoid state elections—the county officials and the board representing the voters for legislative purposes. As a legislative body the supervisor-board is perhaps the more representative form of government, but the commissioner-board, elected at large, not by units but by count of heads, is the more democratic. This method prevents representation of some places on the Board of Supervisors with no relation to their population while newer places with greater population have little or no representation, for centers of population are not infrequently under-represented on the supervisor-board. Thus Buffalo, embracing 80 per cent. of the population of Erie County, elects only 50 per cent. of the supervisors.

Of possible county officials there are a score, some characteristic of one state, some of another, a few appointive but the vast majority elective, serving terms of from two to twelve years, the latter in the case of some judges.

The smallest number, found in several states, is ten.

J. A. Fairlie in his book on *Local Government* lists seventeen officials who are found commonly in county governments. Eight of these are connected with the administration of justice—thus bearing out the statement already made that justice is the main function of the county and the function common to all states. In twelve states the county judge is not elected by the county but appointed by State Legislature or Governor. Three county officials are connected with taxation and finance, one with roads (surveyor), one with schools and one with health.

As New York is typical of the states where county government is fairly important a list of New York County officers with data concerning them will give an idea of how the average county is governed in a populous state where all local governmental units are well developed.

The legislative body in this state is a Board of Supervisors elected for two years, one from each township. Their work covers levying taxes, appropriating money, fixing salaries, preparing grand jury lists, care of county property, districting for school purposes, appointing superintendent of highways and canvassing election returns. As these functions involve a great deal of labor in a state like New York, the various activities are assigned to committees. The

members of the county board are also town supervisors. They receive a salary for each function, two dollars a day when working for the town, and two dollars extra when serving on the county board, which meets a certain number of days each month. This small salary is supplemented by fees.

County Executive officials are:

Office.	No.	Yrs.	Pay.	Elected or Appointed.
*Sheriff (Chief Executive)	1	3	Sal. & Fees.	Elected.
Treasurer	1	3	Sal. & p.c.	Elected.
Co. Clerk (also clerk of court)	1	3	Sal. & p.c.	Elected.
Supt. of Poor	1–3	3	Salary.	Elec. or appt'd.
Supt. of Highways	1	4	Salary.	Appointed.
Dist. Supt. of Schools	1–8	5	Salary.	Elec. by local school direc.
Dist. Attorney	1	3	Salary.	Elected.
Judge	1	6	Salary.	Elected.
Surrogate (some counties)	1	6	Salary.	Elected.
Coroners	4	3	Sal. or fees.	Elected.

*One from each town.

Nine out of the above executive offices are connected with the administration of justice. The salary of most officials is no greater than that of the supervisors.

Wyoming affords a picture of the opposite extreme from New York. It is a rural state, thinly populated. Of villages it has none, and though the town government has some of the officials ordinarily characteristic of the village, these officials are few and their functions very limited. The county is the important local unit in this state. Here the legislative body is a board of three Commissioners elected at large, two serving two years, and one four years. Their functions are to apportion and levy taxes, manage

the business of the county, keep up its buildings, make and keep in repair roads and bridges, to establish election precincts and have full superintendence of the poor. They receive a small annual salary ($200.00), and a per diem of $5.00 for days of actual work.

Administrative officials of Wyoming counties all serve two years. They are sheriff, county attorney, coroner, constables, court clerk—five officers connected with justice—and treasurer, surveyor, county clerk, superintendent of schools and assessor—five officials not connected with justice. All these officials receive fixed salaries, in most cases $1,200 a year, the sheriff receiving fees in addition.

The following thirteen county officials are found in many states of the union. In some, however, the functions here given under two or three titles are all performed by an official bearing only one of these titles. In other cases two or more officials perform functions here given under one head. Many of these officials exist also in populous and busy states in the towns and villages. In states where the county is unimportant they may even exist in the towns only, the county officials being few.

SHERIFF—Principal county official. Preserves the peace. In times of disorder may raise a *posse comitatus* of able-bodied citizens to seize the rioters. Enforces anti-gambling and liquor acts; carries out orders of court;

subpœnas witnesses; makes arrests, etc. Keeper of County Jail. Is assisted by Deputy Sheriffs.

CORONER—Investigates deaths. Summons witnesses and expert testimony. Also summons jury to give a verdict as to fact of cause of death based on testimony.

COURT CLERK—Secretarial. Opens court and keeps record of court proceedings; files and makes out certain legal papers.

COUNTY CLERK—Secretary of County Board. Sometimes records deeds, prepares election ballots, issues marriage licenses.

ASSESSOR—Values property for taxation.

TREASURER—Receives taxes; has custody of and disburses funds.

COLLECTOR—Collects taxes.

AUDITOR—Examines financial accounts of officials.

REGISTER OR RECORDER—Prepares and keeps documents affecting titles to real estate, deeds, mortgages, etc.

SCHOOL OFFICIALS—Supervise School Officials in minor districts, such as School districts, township, village, etc. These officials are (1) Boards of Education who take care of School property, appoint teachers, make appropriations, and in some cases appoint district trustees; (2) School superintendents who supervise courses of study.

SURVEYORS—Survey land; keep maps, etc.

Sometimes they are also commissioners of county roads and bridges.

Overseer of Poor—Care for county almshouse; also sometimes place dependent children in families.

Health Officials—Supervise local health officials.

Points for Reference in Chapters II and III

Units of local government in increasing order of size. (1) School district—10,000 in New York alone. (2) Township. These two are rural. (3) Village—10,000 in United States. (4) City. These two are urban, or created by needs of a congested population. (5) County. All five units are subdivisions of the state and have no powers except such as are given them by state law.

All have some form of three part government, i.e., legislative, executive and judicial branches, though the powers of the legislative branch are small. Elections for local government generally held in the spring,—examples from New York spring elections of 1918. Direct democracy in four smaller units.

County is biggest unit next to state—almost 3,000 counties in United States; has few functions, mainly judicial. Two forms of county government—by commissioners elected at large or by boards of supervisors, representing the townships—New York typical of the latter, Wyoming of the former.

CHAPTER IV

THE CITY—19TH CENTURY[1]

"The scientific administration of the city is an achievement for the Twentieth Century," says Charles Zueblin, writing on municipal administration in 1916.

"There is no denying," James Bryce had said of American city government twenty years earlier, "that city government is a conspicuous failure in the United States."

Thus two authorities bear witness to the fact that the modern city, unprepared for, undreamt of, by the founders of American government is still in the experimental stage. Bryce wrote when all was chaos and corruption, and Zueblin when constructive criticism and experimentation were beginning to bring order.

In the Revolutionary period there were only five places in the United States with a population over 8,000. Philadelphia, the largest of these, had 42,000; New York, 33,000. To-day there are more than 700 places with a population over 8,000. New York has 5,602,841; Phil-

[1] For this and the three chapters which follow, the files of *Equity Magazine* were freely drawn upon.

adelphia, 1,709,518, and Chicago and San Francisco, which were not in existence in 1787, have respectively 2,497,722 and 463,516. The latter is about an average population among our 50 cities of 100,000 and over.

In 1787, nine-tenths of the people were rural. To-day more than one-third live in cities of 8,000 and over, and so manifold and so complex are the collective activities of these municipalities that their total annual governmental expense is estimated at at least half a billion dollars. New York alone spent in 1915 $200,000,000, and Chicago $86,000,000. The average city employs many more officials than the national government did in 1787. New York employs 100,000, 85,000 of them steadily, a total in this one city one-fifth as great as the number employed by the national government to-day.

The city of the early republic was the village of to-day. There was nothing in the experience of the Fathers to tell them how to plan for the government of these villages grown mammoth. So as they grew they got along as best they might and gradually settled down, the majority of them, into a form of government modeled on the Federal Government.

Whatever its size, the city, like the village, the county and the town, exists by the grace of the state, from which it has a charter, like the village, as an incorporated place. Its function is, first, like the other local units, to carry out

state law, and second, to perform its own business. The *Evening Mail* gives the following partial list of state laws which affect the city of New York:

"The metropolitan election district law affects this city. The tax laws and civil service rules also apply. Of very large importance, as affecting the physical needs of our millions of citizens, are the health laws. The Tenement House Act affects the greater part of this population. The Municipal Court Act defines the procedure for the municipal courts of this city and the codes of civil and of criminal procedure."

Some of these laws apply to all local units in the state; others, like the Municipal Court Act and the Tenement House Law, to the cities of the state alone.

The city charter itself is a state law, a state law especially designed to fit a particular city or group of cities. Most states have three classes of charter, those for cities of 100,000 and over; those for cities of 25,000 to 100,000, and those for cities of less than 25,000. A few states have no such general laws, but pass the charter of each city as a law by itself fitted to the special needs of that city. The charter is the frame of government, the organic law of the city. It covers, or attempts to cover, every aspect of city government, and its provisions are made effective by city laws, called ordinances.

The charter is to the city what the constitution is to the State and Federal Governments, and the ordinances are parallel to state and federal laws. Most cities are so dependent on the state that if any condition arises not specifically provided for in the charter they have to go to the state legislature for special legislation, often on the smallest matters. Thus the city of Chicago had to apply to the Illinois Legislature for legislation allowing her to regulate the width of cartwheels to be used on her streets. Saratoga had to put a law through the New York Legislature in order to be able to license dogs.

Not all charter laws are as rigid as this; some states so frame city charters as to give the citizens wide leeway in the passage of local ordinances not specifically provided for at the time the charter was drawn up.

Some state charter laws are broader still. They allow localities which decide to incorporate to make their own charters, which may be voted on by the citizens without submission to the legislature, provided the provisions are not in conflict with state law. The states which have this city "Home Rule" in respect to charter making are Missouri, California, Oregon, Washington, Minnesota, Colorado, Oklahoma, Michigan, Wisconsin, Texas, Ohio, Nebraska, Arizona and Connecticut.

Roughly classified, the forms of city government provided for in American city charters

are the so-called "federal" type—the older and commoner type characteristic of the 19th century—the short ballot, the Commission and the Commission-City Manager types,—all worked out in the 20th century.

The federal form is the outgrowth of that early period when cities were not understood, or their later growth anticipated. It provides a government of three parts, legislative, executive and judicial.

The legislative body is the common council or board of aldermen elected generally by wards and varying in number of members from 9 in Boston to 138 in Philadelphia. In many cities aldermen or councilmen receive no pay, but in cities like New York their salaries are fairly large. In about one-quarter of our cities the council has an upper and a lower house, but in the rest the two-chamber system has been abandoned. The powers of the legislative body cover the passing of city ordinances, care of city buildings, issuing of franchises and licenses, and city finance, though in most cities the mayor and financial officials share control in matters of taxation and appropriation with the council. The period of office of aldermen or councilmen is in the various cities from one to four years.

Of city officials there are many. New York City elects no less than 93 local or central city officials, and this, considering its size, is not a large number.

839097

The chief municipal executive is the mayor. He is responsible for the execution of the laws; he appoints many city officials and he can veto any ordinance of the council, which must then be repassed by a two-thirds vote—often three-fourths in case of financial measures—if it is to become law over his veto. He is practically the head of the police, is responsible for the peace, and has power to call out the local militia to suppress riot. He is elected in most cities for two years; in Boston, New York and Chicago for four years.

Besides the mayor there are many other officials, some elected, but the greater number appointed. Among the officials generally elected are auditor, treasurer, engineer, assessor, tax collector. The school board is often elected. Heads of the various departments (health, police, etc.) are generally appointed. Judges are sometimes elected, sometimes appointed.

Our three largest cities are of the federal type, Philadelphia and Chicago the straight federal type, New York a somewhat modified type. Chicago has a city council of 70 aldermen elected and the following elective executive officials: mayor, treasurer, clerk, chief and 30 associate justices. The heads of 21 departments and 23 boards are appointed by the mayor with the consent of the city council.

In most cities, side by side with the city government the county government persists. In

Chicago especially this county government adds an element of great complexity to the city administration.

Philadelphia has a two-chambered legislative body, 48 members in the upper, or select, council, 90 in the common council. These are elected by wards. The mayor, receiver of taxes and city solicitor are elected at large. The city treasurer and city controller are, through a technicality, classed among elective county employees.

The mayor of Philadelphia appoints, with the approval of the council, the heads of nine departments, which are, like those of most great cities, subdivided into bureaus whose heads are appointed by the department head. Salaries of aldermen and officials in these great cities are comparatively large; the mayors of Chicago and Philadelphia receive respectively $18,000 and $12,000.

(For Points for Reference see end of next Chapter.)

CHAPTER V

THE CITY—20TH CENTURY

The charter of New York which was drawn up in 1901 is of the federal form, but in two respects it represents a transition from what I have called the 19th Century frame of city government to the 20th. It has the "short ballot" or few elective officials, the theory of the short ballot being that the fewer the elective officials the more intelligently the electors can choose them.

For many of the city's appointive officials the mayor of New York is held directly and solely responsible as he does not share their appointment with the council. The council has legislative power subject to the mayor's veto, but much financial legislation is put in the hands of a board of estimate and apportionment of which the mayor is chairman, and a finance department of which the comptroller is chairman. This is a definite step toward centralization of authority.

Elective officials are the mayor, comptroller and president of the board of aldermen, all

elected at large by the whole city, 78 aldermen, elected by boroughs or districts, and a few judicial officers. Thus the ballot is not ideally short, but it is a short ballot relative to the size of New York City, and to the number of elected officials in the much smaller cities of Philadelphia (141) and Chicago (104). The Mayor of New York has, to quote a succinct summary from the *Evening Mail,* "the power to appoint and remove at pleasure the heads of twenty-seven administrative departments, six of the ten members of the Art Commission, and the appointed members of the Board of Standards and Appeals. He appoints, and has power to remove on charges after a hearing, the trustees of Bellevue and Allied Hospitals, the members of the Board of Education, Commissioners of Police and Health, the trustees of the College of the City of New York, the trustees of Hunter College, the commissioners of the Board of Water Supply, the commissioners of the Courthouse Board, three members of the Parole Commission, members of the Child Welfare Board, and city marshals. He also appoints the city magistrates, the justices of the Court of Special Sessions, and certain other officials, including some of the trustees of the Brooklyn and Queens Borough public libraries."

The government of New York is very imperfect; it is not free from political corruption and it is cumbersome, but it is a step ahead of Phil-

adelphia and Chicago in some respects. Short ballot, increase of the mayor's power with direct responsibility for appointments, and the union of executive and administrative powers in the two financial boards—these are all principles recognized in one or another of the newer forms of city government, and these are all in some degree to be found in the government of New York.

In 1913 the voters of Cleveland, a city of almost 700,000, adopted, under the Home Rule provision in force in that state, a charter providing a short ballot, mayor and councilors only, full responsibility of the mayor for appointments and the non-partisan nomination of candidates by a petition signed by a certain number of voters. The charter contained also still newer elements—the proposal of legislation by petition of the voters (the so-called initiative); the referendum, by which an ordinance rejected by the council could be passed over its head by vote of the people, or conversely, an ordinance passed by the council and disapproved by the people could be repealed by their vote; and the recall, by which the voters could remove officials whose conduct in office they disapproved.

Non-partisan government and popular control of legislation and officials as exemplified in Cleveland are features not seen in any of the city governments previously outlined. Pop-

ular control is one main element in city government of the 20th Century type; it is an element which was avoided and distrusted by the federal type of government in which the voter's function was limited to electing officials, and, in some cities, voting on certain financial matters. Direct legislation and control by the initiative, referendum and recall is indeed, in both city and state government, the characteristic contribution to democracy of the 20th Century. It supplants by democratic control the threefold representative system in which executive, legislative and judicial departments are supposed to check each other.

It would be possible to go on forever outlining individual charters of the federal type which have nevertheless some advanced features.

In 1900 the accident of the Galveston flood introduced a form of city government fundamentally different from any of these. This was government by a commission of five men, to whom were given both legislative and executive powers. To this commission form of government, Des Moines in 1908 added the initiative, referendum and recall. To-day between 250 and 300 cities, 80 of them with a population 30,000 or over, have this form of government which strikes away all the complexity of the older city governments, provides a short ballot made up of the three or five members of the city com-

mission—often misleadingly called, like the "federal" board of aldermen, a council—who are elected at large, given large powers of appointment, and held directly responsible to the people, who can by their votes recall them or recall any of their acts.

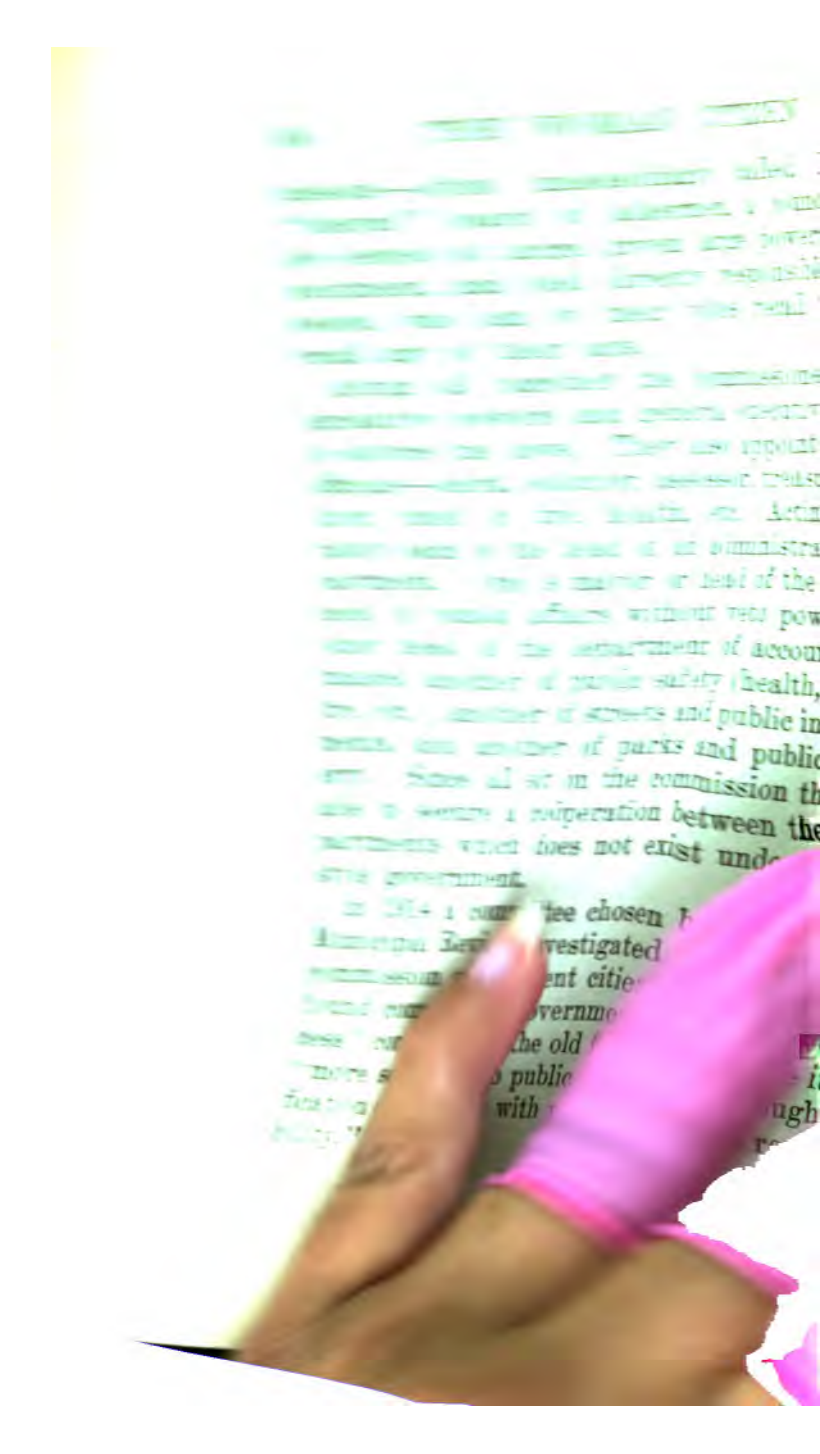
Acting all together the commissioners have legislative powers and general executive power to enforce the laws. They also appoint the city officials—clerk, solicitor, assessor, treasurer, auditor, chief of fire, health, etc. Acting separately each is the head of an administrative department. One is mayor or head of the department of public affairs without veto power; another head of the department of accounts and finance, another of public safety (health, police, fire, etc.), another of streets and public improvements, and another of parks and public property. Since all sit on the commission they are able to secure a coöperation between these departments which does not exist under the old style government.

In 1914 a committee chosen by the National Municipal Review investigated the 200 and odd commission government cities of that day. It found commission government a "relative success" compared to the old forms because it was "more sensitive to public opinion through unification of powers with no evasion of responsibility."

As time went on, however, some cities found that demands were made on the commissioner too varied and expert for this form of government to be a hundred per cent. efficient. The commission at Sumter, N. C., used its power of appointment to call in a business manager from without to whom a large salary was paid for his expert services. Under this system, now in force in sixty-four cities, the commission has legislative power and general power to enforce the laws. The manager runs the business of the city, and like a business man "hires and fires" city officers and heads of administrative departments who work under him. The commission can hire and fire him, but the voters can do the same to the commission.

In 1916 *Equity Magazine* compared the business records of some of these cities before and after the manager was installed. The experience of Springfield, Ohio, is typical. In the first year of commission city-manager government it saved $50,000, wiped out a floating debt of $100,000, extended its street cleaning work 25 per cent. and its garbage collection from a very small section to the whole city.

Dayton, Ohio, was the first large city to install commission city-manager government. On the basis of its experience Dayton claims that this form is simple, efficient, economical, business-like, prompt and expert in doing the city's



As time went on, however, some cities found that demands were made on the commissioner too varied and expert for this form of government to be a hundred per cent. efficient. The commission at Sumter, N. C., used its power of appointment to call in a business manager from without to whom a large salary was paid for his expert services. Under this system, now in force in sixty-four cities, the commission has legislative power and general power to enforce the laws. The manager runs the business of the city, and like a business man "hires and fires" city officers and heads of administrative departments who work under him. The commission can hire and fire him, but the voters can do the same to the commission.

In 1916 *Equity Magazine* compared the business records of some of these cities before and after the manager was installed. The experience of Springfield, Ohio, is typical. In the first year [illegible]ommission city-manager government it sav[illegible]000, wiped [illegible] a floating debt of $100,000[illegible]ded its [illegible] cleaning [illegible]ork 25 per ce[illegible] its ga[illegible]ollection [illegible]n a very s[illegible]on to [illegible]e city.

[illegible] Ohio, [illegible] first [illegible]ty to in-s[illegible]i[illegible]ssion [illegible]nager [illegible]ent. On [illegible]f its [illegible]ce D[illegible]ims that [illegible] is si[illegible]cient, [illegible]cal, busi-[illegible]ron[illegible]pert [illegible] the city's

work; that it gets better men on the city's staff, centralizes authority, fixes responsibility, does away with political partisanship and leaves the government always under the people's control.

Points for Reference in Chapters IV and V

Growth of cities since Revolution.

City a subdivision of the state; has few legislative powers of its own; charter generally granted by state. Handicap of state restrictions has created a demand for Home Rule by city; 14 states grant a large degree of freedom to their cities.

City legislative body is commonly Board of Aldermen or Common Council, in majority of cities more or less modeled on state legislature.

Executive officials—generally mayor, auditor, treasurer, engineer, assessor, tax collector, elected, but in many cities others also. Powers of these. Below these a large, sometimes an excessive number of minor officials.

Two types of cities: (a) Federal type—Board of Aldermen, sometimes with two houses; elected officials (as listed above) and many administrative departments under these, with a host of appointive officials and no central authority and responsibility. Representative cities described—Chicago, Philadelphia and New York. (b) 20th Century type—short ballot (few elective officials) with full responsibility to the people, who have the power to recall officials and to initiate or to recall legislation by the referendum. Cleveland in 1913 an example of this type. In 1900 Galveston founded Commission government, by which a body of five men combined legislative and executive

powers; each was head of a department and on each responsibility was strictly centered. There are now between 250 and 300 Commission government cities, which have also initiative, referendum and recall. Sumter (N. C.) Commission called in a business man as city manager, strictly accountable to the Commission. There are now 64 Commission City-Manager cities. Examples show these new types of city to be an improvement from the point of view of democracy and efficiency on the federal type.

CHAPTER VI

THE STATE

The American citizen recognizes two organs of sovereignty, state and nation. Yet these two do not divide his allegiance, for the spheres of State and Federal Government do not overlap. The Federal Government will be described in a later chapter; its functions are very definite and touch the life of the citizen scarcely at all. The state government touches the life of the citizen, as Beard expresses it, "from the cradle to the grave." [1]

The state, as we saw in earlier chapters, delegates to local governmental units some of its executive and administrative powers including administration of justice in the lower courts, health, roads, education and the business of financing the local government. How much of this work is done and paid for by the local governments can be judged from the fact that at the last census the governments of the forty-eight states cost about one hundred and twenty-five million, while the local governments cost

[1] Charles and Mary Beard's *American Citizenship*.

almost one and one-half billion. Thus the detailed work and the bulk of the cost of government within the boundaries of the state is not borne by the state itself, but by its subordinate units.

Of legislation the reverse is true. All legislative power remains with the state itself, the ordinances permitted to local governments being in most states only those necessary to carry out the executive and administrative work laid upon them by state laws.

The powers and the framework of state government are laid down in written constitutions. From the point of view of democracy the most important clauses in these constitutions are the suffrage clause, which makes the people, or part of the people, the source of government, and the Bill of Rights which stands at the beginning of all constitutions, which forbids encroachments on civil rights, and ensures to the people security of life, liberty and property.

State legislation aims to make good this Bill of Rights and to regulate all life and business. Woodrow Wilson in *The State* groups legislation common to nations under laws required for the protection of life and property, and laws which aim to promote the common welfare. Leaving out the few of his classifications which lie within the scope of the Federal Government the rest serve as a summary of the state laws under which we are governed. Under his first

group we have laws designed to keep order and protect persons and property, regulate legal relations in the family, regulate the holding, transmission and interchange of property, contracts, crime, civil justice, duties, privileges and relations of citizens. Under the second we have laws which regulate and provide for trade and industry, labor, roads and internal improvements, light and water, sanitation and health, education, charities, conservation and sumptuary laws (such as prohibition, etc.).

Not specifically provided for in this list are the laws which regulate all the details of local governments, and, in so far as these are covered by legislation, of the state administrative boards or commissions. For the passing, carrying out and preserving of these laws, and for doing the business of the state, the state constitution provides a three part government, legislative, executive and judicial, framed like many of the local governments already described on the model adopted by the Federal Government in 1787.

All laws not covered—or not forbidden in the Bill of Rights for the protection of the people—by the state constitution and its amendments are with the exception of the few passed by the initiative and referendum, passed by the state legislature. They must be ratified or vetoed by the governor, the chief executive officer of the state, and if the governor ratifies, they may be

declared unconstitutional and wiped off the statute books by the state supreme court.

Thus the three parts of the government are relied upon to check and balance each other and prevent the passing of hasty legislation. Furthermore, the legislature is divided into two parts through both of which a bill must pass before it goes to the governor, the theory being that this is a further check on ill-considered legislation.

The government thus roughly outlined is a representative government, in which the voter has no part except to choose at the polls who shall make the laws and who shall carry them out. As we saw in a few cities so in a few states, the initiative, referendum and recall gives the voter more power than this over legislation and legislators, but, except for this, the almost purely representative form of government is still characteristic of the majority of our states.

State legislatures are, as we have seen, made up of two houses, the upper house or senate, and the lower, called the assembly, house of delegates or house of representatives. Members of both are apportioned to population and elected by the voters of fixed districts, a senatorial district being very much larger than an assembly district, so that the upper house is smaller than the lower. In Louisiana, for example, the senate has only about a quarter as many members

as the assembly. Minnesota has the largest senate (62 members) and Delaware the smallest (17). The states do not have a common population basis for representation in their legislatures. Nevada, with the smallest population in the Union, has 22 senators, and New York, with the largest, has 51.

The relative proportions of the two houses vary. Delaware has 35 assemblymen, or about double the number of senators; Massachusetts, a ratio of 6 to 1. Delaware has the smallest house, and New Hampshire has the largest (450 members). New York with 25 times the population of New Hampshire has only 150 assemblymen. There are, all told, 7,347 members of state legislatures in the 48 states, of whom more than three fourths sit in the lower house. Pay for members ranges from $200 a term (2 years) in New Hampshire, to $3,500 a session (1 year) in Illinois.

In all states but Mississippi and Alabama, which set four years, and Massachusetts, New Jersey and New York, one year, the term of a representative (or assemblyman) is two years. Massachusetts has a one year term for senators, and the other states are about evenly divided in setting two or four years for the upper house. The length of legislative sessions is unlimited in 16 states; in the rest it ranges from 40 to 90 days, and these sessions are held in all but 8 states biennially. In Alabama and

Mississippi regular sessions are quadrennial, and in New York, New Jersey, Massachusetts, South Carolina, Rhode Island and Georgia they are annual.

It is estimated that through these legislative mills each session there pass, taking the 48 sessions together, over 50,000 bills, of which a third become law. To expedite the disposal of this vast number of bills, which average considerably over 1,000 a session to a state, both houses are divided into committees to consider bills of certain types. The commonest committees are ways and means, judiciary, cities, railroads, education, tax, health, banks, insurance and rules.

A speaker elected by the house and always representing the political party of the majority presides over the deliberations of the assembly. The corresponding officer in the senate, called its president, is in 34 states the lieutenant governor; in the others, he is elected as in the assembly. Both houses have a few functionaries, clerk, sergeant at arms, etc.

According to the usual procedure, a bill is introduced and read and referred to the proper committee, which either reports favorably or kills it. If reported favorably it is read a second and a third time, amended and voted on. If the vote is favorable it is then sent to the other house where it goes through the same course.

All bills except bills for revenue, which must originate in the lower house, can originate in

either house, and the same bill can be introduced in both houses independently. A bill amended in the second house must be returned to the first for approval. Having passed the legislature a bill then goes, in all states except North Carolina, to the governor for ratification, and if he vetoes it, it must pass again, in five states by a three-fifths vote, in eight by a mere majority, and in the rest by a two-thirds vote. Money bills generally require a larger percentage to pass over the governor's veto.

This veto power of the governor is most important. Other legislative powers of the governor are his messages to the legislature recommending certain legislation; his power to call special sessions in off legislative years in order to get through certain legislation which he approves, and his smaller but still important power of making some of the rules and regulations for the administrative and business boards and commissions which have, since the Civil War, become important parts of the machinery for carrying on the executive work of state government.

With the exception of Massachusetts and New Jersey the governor's term is from 2 to 4 years, about half and half in the various states, the states with newer constitutions tending to give longer terms. New Jersey has three years, and Massachusetts has one year with a strong tendency to reëlect twice. The governor's salary

runs from $2,500 in Vermont to $12,000 in Illinois.

Besides the part he takes in legislation the governor is charged to execute the law and is given the power to appoint and remove a number of executive officials.

Not all executive officials are appointed by the governor or controlled by him. The following officials are, in addition to legislators and the governor himself, in all states elected by the voters and responsible to them alone for the way in which they perform their executive functions—lieutenant governor, secretary of state, who has charge of public documents, comptroller or auditor, treasurer, attorney general, and (in most states) superintendent of public instruction.

There are, however, besides these executive officials a list of about twenty-five administrative boards or commissions, some existing in one state, others in another, the heads of which are in most states appointed by the governor. Commonest among these boards are those concerned with labor, agriculture, health, banks, insurance, corrections, charities, roads, public service, tax and conservation.

The governor's executive power, beginning with the power to carry out the law between man and man, and as head of the militia to preserve peace and order in the state, is great or small in proportion to how many of the state executive and administrative officials are ap-

pointed by and responsible to him, and how many elected by the people. In the next chapter we will take up with other governmental problems this problem of the extent of the governor's power to execute state laws.

Besides his legislative and executive functions the governor has one judicial function; he grants pardon to state prisoners.

Points for Reference in Chapter VI

Two organs of sovereignty in United States, which never overlap: (1) Nation or Federal Government, whose functions are strictly limited; (2) State, whose sovereignty is only limited by (1).

State passes all laws (except as above, and city ordinances) but much of its executive and administrative work it delegates to its subordinate local units—*c.f.* comparative expense.

Lawmaking—by (1) Legislature, ratified by (2) governor and (3) in some cases passing the review of the State Supreme Court.

State Government—made up of three parts (1) legislative, (2) executive (governor, etc.) and (3) judiciary—a representative government, in which the people themselves take no part, except to elect their representatives. Theory of "checks and balances."

Legislative Branch—2 houses, comparison of various states, in all 48 states; 7347 legislators in U. S.; functions.

Executive Branch—governor and other elected officials; appointed officials and boards.

CHAPTER VII

DEFECTS AND REMEDIES

In preceding chapters on state and local governments the attempt has been made, not to advocate reforms, but simply to state facts. Nevertheless, the chapter descriptive of the 20th Century city must have made it clear that very practical criticism of governmental forms exists; that this criticism has been practically applied to city government in some cities, and that these new forms of city government have on the whole worked better than the old. The improvement has been, on the one hand, in the efficiency of government; on the other, in the greater dependence of government officials on the electorate.

In the beginning of this century there had been no practical experiments in new governmental forms. Some twenty years later between three and four hundred cities had made successful experiments, and thereby increased their efficiency and democracy. What was true of the cities in 1900 is true of the other local governments, county and state, in 1918; change and improvement lies all in the future.

The county has been called the "dark conti-

nent" of American government.[1] Los Angeles County, California, alone has replaced the old government of three parts by the commission. The traditional form of county government has hardly been touched regardless of what new local units grew up and encroached on the county's functions. In New England its officials have continued though township development has made them of little importance.

Nowhere is the overlapping of officials more noticeable, confusing and wasteful than in the great city counties, where the voter has had to elect and pay for a full set of county officials whom the city has made either entirely unnecessary, or to whom it has left so few functions that their number could have been cut down, or their work taken over by city functionaries. New York City completely covers five counties. New York voters elect, besides 93 city officials, 95 supernumerary county officials. The case of Chicago has already been referred to. Chicago voters elect all told no less than 383 national, state, county and city officers, of whom 251 belong to the overlapping city and county governments.

There are two serious criticisms of a system like this. One is its enormous and useless expense. A well worked out plan which has been under consideration for consolidating the governments of Cook County and Chicago will save

[1] H. S. Gilbertson: *The County—The Dark Continent of American Politics.*

that city, if it is put into effect, about three and one-quarter million dollars a year. The other criticism is that democracy is only a theory when the voter is called upon to accomplish the impossible task of deciding on the fitness of so many officials. "The long ballot," says one authority, "delivers the voter into the hands of the politicians, who patch up a slate for him."

Only a handful of cities have abolished county government. San Francisco has taken steps toward shortening the county-city ballot by making its board of county supervisors and its city government one.

Alameda County (California) has proposed a plan which by giving health, police and the like functions exclusively to the county, and streets, public works and the like to the 11 municipalities within its boundaries would cut the combined ballot from twenty-four to eight officials.

The cutting out of superfluous county officials and county functions would be one step toward improved county government. Another would be giving the county a certain degree of Home Rule in the carrying on of its necessary functions. Only in Michigan and in a few California counties is the county free to make its own ordinances or to frame its own charter without running to a legislature remote from its particular problems in order to carry through the smallest detail of legislation. We have already noted a like handicap in many cities.

For the improvement of state government the short ballot with its attendant increased power of appointment by the governor, and his direct responsibility to the people, is one main need. The governor was originally appointed by the legislature but the movement toward democracy of a later generation changed the method of appointment to election by the people, and the last fifty years or so have been characterized by a great increase in the governor's power.

Nevertheless, as we saw in the chapter on the state, though chief executive, he is not the sole responsible executive in the state. Every state has a list of six or a dozen other executives—secretary of state, treasurer, etc., who are responsible only to the electors, and these electors are burdened with too many elections to choose them wisely.

"What is needed in government," says one authority, "is the definite assumption of responsibility by some one who is visible to the eye and can be got at." This is as good a definition as any of the short ballot—"some one official visible to the eye" instead of a crowd, any member of which, from their very multitude, can escape detection by the voters.

In the governors' messages to the 1917 legislatures the need for greater power and greater responsibility by the chief executive was expressed more than once. Said the Governor of West Virginia, for example, "We never shall

have efficient government so long as seven independent officials carry on the West Virginia government with no central control or responsibility."

So many other suggestions for improving state government were made in these messages that the *New Republic* expressed itself as confident that "we are about to enter an era of reconstruction and reform comparable to that through which the municipalities have passed since 1900." Certain it is that the governors' messages were expressive of a general movement that has actually begun, for in 1917, Illinois passed a Civil Administration Code which, while leaving the state elective officers—nothing but constitutional amendment can remove them and the present Illinois constitution is difficult to amend—provided a cabinet system of government with the governor directly responsible for the appointment of ten department officials and their subordinates. This is a step toward centralizing power and responsibility. Other changes which shall give us governors better fitted to exercise wide responsibility are a longer term and a higher average of salary.

The governors' messages of 1917 made other suggestions than those touching the governors' power. The Governor of New Jersey wanted a state manager, and others urged changes in the legislature. The business manager and commission has worked well in the cities, but the

city's main function is business; the state's, as we have seen, is legislation, and authorities doubt whether the same system would work as well. At any rate we have no experience to speak from. Kansas has a business manager for all its state institutions, but this is after all only a small part of the government, so her experience does not teach us much.

It is strongly felt, however, that the two chamber (bicameral) legislature, and the three part government, is an obstruction but not a safeguard; that the "checks and balances" provided by this form of government have been so used that, as one writer expresses it, "the grafters get the checks and the public pays the balances." The two chambers serve as a means by which politicians can kill good bills in one house if not in the other, and the three part government as a means of shifting responsibility.

Whatever the final form state legislatures take, what is wanted to start with in our legislatures is long terms and good pay to raise the standard of legislators and get more experienced service from them; long sessions so that legislators shall give their full time to the service of the state; less laws and better considered. Whatever executive officers may be left off the ballot, all legislators should be on the ballot, because legislation is the foundation of government and should be democratically controlled; and all legislators should be subject to the re-

call. Besides this, the people should have legislative power through the initiative and referendum. Already a beginning has been made in this form of direct government by the people; 22 states have added state-wide initiative and referendum amendments to their constitutions, and 22 have such laws applying to city ordinances.

Points for Reference in Chapter VII

Criticism of the older governmental forms has led to experiments tending to increased democracy and efficiency.

20th Century City is development of this criticism, but county and state as yet little affected.

Defects in county government—overlapping of local and county officials, especially in counties where great cities are situated. *Cf.* Chicago and Cook County, New York City and its five counties. Examples of attempts to do away with this overlapping —as yet little progress.

State government would be improved on the executive side by short ballot, large appointive powers and central authority for governor and his direct responsibility to people, through their power of recall. At present the large number of elective state officials with no central authority is a weakness in state government. On the legislative side, state legislatures should have fewer members, longer terms and better pay to improve their quality. There should be more direct democracy; the people should have power to recall legislation or to initiate and pass it over the head of the legislature. (See also Chapter XI.)

CHAPTER VIII

THE FEDERAL GOVERNMENT

In chapters on local government frequent reference has been made to the "federal form." "Grandfather's coat," as a writer in *Equity Magazine* jocosely expresses it, has been used for all the children and grandchildren, the states and the cities, and it has not fitted them ideally. For grandfather himself, however, it has been on the whole a more satisfactory fit.

In the case of the Federal Government we can see historical reasons and some utility in a somewhat cumbersome form, nor has this cumbersomeness been a very great handicap in carrying on the very definitely limited business of the nation. Furthermore, in its original national form the federal frame of government has a good feature, lacking in its imitators, namely, the short ballot.

The Federal Government is not a centralized government like the state, but a federation or union of sovereign states. Its system of checks and balances was designed primarily to protect the states against the union and the union against the states. Federal sovereignty is such

as a federation needs, both to preserve the relations of state with state, and to act for the federation as a nation in international affairs. In this sovereignty the union is absolute, and where there is any possibility of conflict the Federal Government has right of way over the state—"this Constitution and the Laws of the United States which shall be made in pursuance thereof —shall be the supreme Law of the Land and the judges in every court shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding." (U. S. Constitution, Article VI, Section 2.)

The state has been said to have power to do anything not forbidden by its constitution; the Federal Government to have power to do only those things bidden by its Constitution. The main powers of the Federal Government, most of which are given in the eighteen specifications of Article I, Section 8, of the United States Constitution, cover, stated briefly: war and peace; foreign relations; army and navy, and the militia in the matter of enforcing federal law; currency; foreign and interstate commerce; post-offices and postroads; copyrights and patterns; the government of the District of Columbia and of the territories, and the determining of the constitutions of new states admitted; taxation to make it possible to carry out the above functions, including, in Amendment XVI, the income tax, and the very elastic power (paragraph 18)

"to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all the powers vested by this Constitution in the government of the United States, or in any department or office thereof." Finally the United States (paragraph 4) has the right to "establish an uniform rule of naturalization," and this is supplemented in the fourteenth amendment by the sole and exclusive power to create both federal and state citizenship. Its fourteenth amendment and its Bill of Rights are among the broadest powers given the Federal Government by its Constitution. The Bill of Rights—Amendments I-VIII—and the general summing up in Amendment XIV, Section 1, second half, "No state shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws," which have been said to be afterthoughts in the Federal Constitution, have to-day superseded and made unnecessary the bills of rights which were regarded as the foundation stones of the early state constitutions.

Though no criticism was called forth by the guaranteeing of the individual's rights against states and the United States alike, by Amendments I-VIII, all Americans know of the controversy ending in war, caused by federal invasion of states rights about the middle of the 19th century, which resulted in the extension of

federal power by Amendments XIII, XIV and XV (Negro Suffrage).

Under the fourteenth amendment, the taxing power, the regulation of interstate commerce, and the broad law-making power already quoted, the United States has much greater scope than was anticipated by the framers of its Constitution.

Even so, most of the complex business of life and government is still left to the states, and the United States Government as outlined in its Constitution was so framed as to prevent encroachments on the power of the states. A two-chambered Congress (the Legislature), the President (the Executive) and the Judiciary are the three parts of the National Government. Not only were the three parts of the Government designed to check each other but the two houses of Congress were designed also to check each other.

In the states both houses represent and are elected by the same people and the existence of a second house, not to represent the interests of another group but simply to reconsider legislation, serves only to delay legislation. In the United States Government, on the other hand, the Senate gives equal representation to each state (two senators) in order to offset the fact that the House of Representatives, elected by the voters on the basis, in 1910-20, of one representative to between two and three hundred

thousand population (Census, 1910), gives a preponderant power to the populous states. There is some justice in a check of this kind, since there should be a measure of equality between the sovereign members of a federation.

Up to 1913 when the seventeenth amendment to the Constitution providing for popular election of senators was ratified, the Senate was chosen by state legislatures, a method of choice which was designed to make the Senate also a check on government by the people. It is significant that the 20th Century advance of popular government should have to this extent reached even the Federal Government.

The general law-making power of Congress is laid down in paragraph 18 of Article 1, Section 8, already quoted.

Elections to the House of Representatives whose members serve two years fall in even years in November, except in the State of Maine, which votes a month earlier. There are 435 members of the House. The number of senators is 96, or twice the number of states; they serve six years, but every two years one third of the membership goes out of office. The procedure with bills is much the same as in state legislatures. Bills to raise revenue must originate in the House; the Senate has power to impeach federal officials of misconduct in office and to pass upon certain acts of the President.

It is when we come to the President that we

come to the best feature in the National Constitution, namely its short ballot, supplemented by the large powers of appointment given the President. Direct democracy only falls short in the fact that the people have no power of recall, removal lying solely within the province of the Senate. The only federal officials whom a given voter has to elect are every two years a congressman, every two years a senator, and every four years president and vice-president. This gives a total for the whole United States of 533 elective federal officers as against 100,000 elective state and local officers.

The President's legislative power is parallel to that of the state governor. As in the case of state laws, the Federal Executive's word on a statute is not final, for it may be appealed to the United States Supreme Court and wiped off the statute books as inconsistent with the Constitution of the United States. Since by Article VI, Section 2, the Federal Constitution is supreme over state constitutions and laws, state laws equally with federal may be called upon to pass this test. This power of judicial review is a very important power and one of late subject to much criticism.[1]

The President's powers of appointment are very large. He nominates and appoints, in some cases with the approval of the Senate, the main executive officials of the government, am-

[1] See Chapter XI.

bassadors, ministers and consuls to foreign governments, judges of the federal courts and other federal officials. Alone he nominates 1,000 officials; with the Senate or through his subordinates, at least 6,000. His executive work covers the carrying out of the law, including the administering of the various activities of the Federal Government. This he does with the help of his cabinet made up of the Secretaries of the Treasury, State (Foreign Affairs), War, Army, Navy, Interior (Territories, Indian Affairs, etc.), Commerce, Labor (including Immigration), Post-office and the Attorney General. Since the President appoints and has authority over his cabinet, there is no such conflicting of executive authorities as in the states.

The President alone pardons prisoners in federal prisons. In time of war his powers are much greater than in peace, for he is commander-in-chief of the army and navy, and in foreign affairs he is almost supreme, though treaties must be ratified by the Senate. The President is elected by the whole people regardless of state lines, and for this reason, more than any other, this elective federal officer represents the nation as a whole without regard to state lines.

But unfortunately the election of the President is not direct but through an unwieldy system of presidential electors (United States Constitution, Article II, Section 2, and Amendment

XII), which was designed originally to take the choice out of the hands of the people and put it in the hands of a small body of men of weight and influence, themselves chosen by the people. The presidential electors do not to-day use their individual choice, but cast their vote for the nominee of the party they represent, and the people choose the electors only because they represent the party nominee for president. But the system is cumbersome, and serves no useful purpose, and should be superseded by direct election. Sometimes the method of appointment of the presidential electors—each state as many as it has representatives in both houses of Congress—actually results in the election of the candidate who was not the people's choice. In 1888, for example, Cleveland received a plurality of 95,534 over Harrison, yet enough states with a smaller popular vote went Republican to elect Harrison by 233 electoral votes as against 168 for Cleveland.

We have spoken of the Federal Government as a simple affair with few functions, but it is in reality only simple by comparison with the complexity of the functions of the state. The national government is a government of many and expensive activities which are nation-wide or international in scope. Even in time of peace it costs almost a billion a year. It employs some 350,000 employees of whom a few hundred are, as we have seen, elective, a few

thousand appointive and the rest chosen since 1883 by civil service examination. Its activities, besides the three divisions of government, cover not far from thirty departments and bureaus. Among these are the State department; Treasury, Army, Navy, Post-office, Department of the Interior (including Education, Indians and Territories), Patent Office, Geological Survey, Department of Agriculture, Department of Labor, with its subordinate Immigration and Children's Bureaus, Chamber of Commerce, Public Health Service, Smithsonian Institute, Weather Bureau, Interstate Commerce Commission, Library of Congress, Civil Service Commission, Government Printing Office, Department of Justice, the inferior Federal Courts, Insular Possessions and the Panama Canal. The Post-office and the Mint are activities which bring the Federal Government, generally in time of peace remote from them, near to the people. Some of the bureaus and departments of the Federal Government, such as the Department of Agriculture, Education Bureau and Children's Bureau are mainly educational in scope.[2]

These departments do their work with no confusion and overlapping of functions, and all are

[2] See Frederick Haskin's *American Government* for descriptions of the activities of the Federal Administrative Departments.

responsible to one central authority, the President of the United States.

"The National Administration," says John A. Fairlie, who from his close study of the complexities of local government is well fitted to judge, "with all its defects presents an organized system where responsibility can be fixed and a fair degree of efficiency secured; and contrasts sharply with the disorganized and heterogeneous mass of administrative officials in our states, cities and local districts."

The Constitution of the United States can be amended by a two-thirds vote of each house of Congress, followed by ratification by the legislatures of 36 states or by state conventions. Thus while state constitutions are amended by the sovereign people, the United States Constitution is amended by the sovereign state.

Points for Reference in Chapter VIII

Historical reasons for checks and balances in Federal Government.

Why U. S. Government is a federation and not a centralized nation.

Definite limits of Federal Government.

United States Constitution lays down functions and parts of government; analysis of various clauses.

Two-chambered Congress—Senate, power of states; House, power of people. Extent of legislative power of Congress—Art. 1, various sections. Three parts of lawmaking—Congress, President and Supreme Court.

Description of Congress.

Executive—President, with large powers of appointment; with vice president only elective federal executive—a short ballot.

U. S. Civil Service and Cabinet and appointive positions.

Method of election of president—presidential electors, outworn, cumbersome, unfair and unnecessary.

List of activities of Federal Government.

Method of amending U. S. Constitution.

CHAPTER IX

THE PARTIES AND THE PRIMARIES

Behind the official government by constitutional authorities there exists in the United States, as in practically all civilized countries, what might be called an unofficial government by parties. The Constitution gives the government its form, the parties give it its life. So thoroughly is party control recognized as the life of government that the word "politics," the Greek word for government itself, is used to describe it.

A political party is defined by Professor Macy as "an agency for coördinating and expressing the general will of the subjects of a large and populous state." By Ray [1] it is described more concretely as "a durable organization of individuals or groups of individuals fluctuating in personnel and numbers, united by common principles or a common policy."

The political party educates and organizes public opinion by discussion of public questions. It does through group action for the voter what

[1] P. O. Ray—*Introduction to Political Parties.*

he cannot do alone. It crystallizes the public opinion it creates or represents in a "platform," a series of "planks," or formally expressed demands on government. Only by controlling the government through holding its offices can the party carry out its platforms. Therefore, it selects candidates for office and organizes and finances campaigns for their election.

This actual control of government by the party system in order to carry out live social objects has in the words of Ray "breathed the breath of life into the inert government organism." Through politics government grows and changes with the changing social needs of the governed.

The party system is as old as the government of the United States. Under various names the history of the Republican and Democratic parties is coextensive with the history of the United States. Parties are national in origin; not state but class lines form their limits.

Since the struggle at the Constitutional Convention between the Federalism of Hamilton and the Democracy of Jefferson a fundamental governmental issue between parties has been the scope of the Federal Government. Around this question the two major parties were built up. This is the first plank in their platform. The Federalists, who may be roughly identified with the later Republicans, believed in a strong na-

tional government based upon liberal interpretation of the Constitution; the Democrats, in a strictly circumscribed Federal Government based upon literal interpretation of the Constitution.

The people *vs.* the favored classes—democracy in its general sense—has been another governmental issue between Democrats and Republicans. This issue, unlike State Rights, has not been left to the two major parties. Most minor parties have made of the people their whole platform, the planks being all of a nature to increase the people's power. True, some have interpreted the people to be the agricultural classes, only one-sixth of our population; others have interpreted them to be the wage earners, about two-fifths of our population, but few have represented privilege *vs.* the common people. Of strictly governmental planks which in these minor platforms have aimed to increase the people's power are those looking toward direct democracy, such as the initiative, referendum and recall.

Since the life of a nation is dependent on the livelihood of its people it is not surprising that the two great parties soon added an economic issue; indeed, it may be said that States Rights *vs.* Federalism had opposing economic bases in slavery *vs.* commerce. The purely economic question on which the great parties differed was the tariff or tax on imported commodities. The

Republicans stood and stand now for a high enough tariff to enable the nation to develop its own "infant industries" and become self-sufficient. The Democrats oppose this protective tariff. Looking at the matter from the consumers', not the manufacturers', point of view they advocate such an interchange of commodities between countries as will keep prices low, and only sufficient tariff to furnish an income to the government. "Tariff for revenue only" is their cry. It must be said, however, that for various reasons, too complex to explain here, in practice the Democratic revenue tariff has to-day much the same effect on the consumer's pocketbook as has the Republican protective tariff. Short of adopting the British principle of Free Trade it is difficult to draw tariff lines.

Closely bound up with the tariff is the economic question of the trusts or monopolies. The Democrats would prevent trusts; the Republicans at first took no action against them, but later adopted a policy of regulation.

This later policy was adopted at least in part in response to criticism by the Democrats and the minor parties. While the party educates the public, the public on its side educates the party so that old party issues are pushed into the background in favor of new. The public opinion which most effectively educates a party is that which is organized and expressed in the platforms of opposition parties. The major

parties in power are continually seeking to defend their records and to commend themselves to the people and secure their votes by adopting new planks. These they take almost invariably from other platforms.

Among the principal minor parties in the history of the United States were the agrarian parties of the Middle West, the Populists, Greenbackers, Free Silverites of the last generation. The present farmers' party is the Farmers' Non-partisan League founded in North Dakota in 1915, which has now organized in many middle western states and has recently entered New York. Among its demands are publicly owned flour mills, elevators, packing and storage plants, government control of transportation, prohibition and woman suffrage. Labor has been represented in politics by several parties, but the most vigorous expression of its demands is the platform of the present Socialist party. The Single Tax Party stands primarily for taking the taxes off the product of labor and having a single tax on land.[2]

In the presidential campaign of 1912 the Progressive party polled over four million votes; at the last presidential election this party was amalgamated with the Republican party. From its platform, many planks of which it shared with one or another of the other minor parties,

[2] For platforms and claims of the five main parties in 1918, see Appendix A.

the Republican and Democratic platforms have borrowed many suggestions. A party which can in a sense be called successor to the Progressive party is the National party formed in the spring of 1917; which also owes a debt to the Socialist party for its platform. The Prohibition party stands fifth in the vote it polls.

The organization of political parties in America is, Professor Dealey tells us, the best type of political organization in the world. At the top is an executive body called the National Committee. As a presidential election approaches this body calls a convention made up of delegates from each state. This convention nominates the presidential candidate, draws up a platform and appoints a new National Committee to carry on the presidential campaign. Another committee carries on congressional campaigns every two years. The state is organized like the nation, only whereas the two national committees are intermittent bodies, the state central committee made up usually of one delegate from each county, is permanent and keeps the party business going all the time. For local business and local elections there are county committees made up generally of one delegate from each town and city committee; and city committees of one from each precinct or election district. Some county committees are

large; the New York County Committee has many hundred members.

Thus the general lines of political organization are the lines of national, state and local government. In the control of the party committees is a perfect machine organized in such detail that in every precinct each of the two to four hundred voters is reached during a campaign and every party vote brought out.

A party is in control and can push its policies when it holds a majority in a legislature. This gives it the chairmanship and a majority on all committees which consider bills introduced. It gives it also the speakership of the House, for the Speaker is elected by majority vote. He has large control over legislation, for he has power to give the floor to members in debate, to refer bills and to make committee appointments.

Of the forty-eight legislatures sitting in 1915 or 1916, in eighteen the majority was Democratic—in Louisiana, South Carolina, Mississippi and Florida the legislature was solidly so; twenty-six had a Republican majority. In three one house was Republican and one Democratic and one (Minnesota) was non-partisan.[3]

This analysis shows how not only in national

[3] To make its hold more permanent, the dominant party in a state legislature sometimes combines two or more legislative districts controlled by the other party into one. This is called "gerrymandering."

to their own sweet will. This was followed by a period of ballot-box stuffing, in which the opposing election officers vied with one another in placing illegal votes in the boxes. This made way for the activities of a class known as repeaters, and who on election day went from one poll to another throughout the city, repeating or voting on names furnished them by the respective party workers. The repeating evil gave way to the present-day corruption, the purchasing of the electorate at the polls."

Says the Honest Ballot Association in 1915 in regard to corruption in New York City:

"Election conditions have gradually improved from the time when floaters were openly carted from one poll to another, and when ballots were stolen or marked by the bagful, but from 1900 until 1909 the illegal vote in this city was variously estimated by competent and unemotional authorities at between 30,000 and 70,000, according to the importance of the election."

A more subtle method of control used in modern days is thus described by Lynn Haines, Secretary of the National Voters League:

"For a decade politicians have been employing the subtler and safer way of getting results by manipulating public opinion."

In other words, the educating of public opinion for the statesman's ends has been replaced

by the debauching of public opinion for the politician's ends.

"Instead of being," says Mr. Haines, "an agency for the common welfare, modern politics has become an end in itself, this end being office and its ever-increasing perquisites."

In his book, *Your Congress,* Mr. Haines shows in national affairs how the very machinery of Congress is adapted to his own ends by the politician.[4] He shows how national legislation itself is directed toward getting votes.

"In the last short session of the 63rd Congress," says he, "there were passed 244 bills and resolutions. Of this number 229 related to one or another of the basic elements in the political system, patronage or pork. Less than 30 were measures in which the general public had an interest."

"Pork" is a term descriptive of a measure which secures some benefit to a member's home district at national expense; for example, a civil war pension, a post-office, or other local public improvement.

As each of the great parties when it takes its turn at office takes its share at the spoils, neither can make any very determined attack on the other's corruption. The result is "a bi-partisan system of political plunder."

[4] See also the monthly *Searchlight on Congress,* published by the National Voters League, Woodward Bldg., Washington, D. C.

"Oh, we fight some on little things like the tariff," one politician is quoted as saying of the opposite party,[5] "but we agree on the main issue that them as works in politics is entitled to make a living out of it."

Bossism, Professor Dealey tells us, is a passing phase in party history. Its passing may be slow; it may never be complete, for it may, as in Great Britain, persist in the subtler, though destroyed in the cruder, forms. Through Civil Service reform it has already been attacked in the United States. Publicity has done some good in correcting the debauching of public opinion. Registration laws have been a help. Nomination of candidates by petition of the voters regardless of party should be a help, but it is not a common practice.

The most important step toward reform has been the recognizing of the parties by law and putting them on a semi-official basis. This is the work of this generation, for up to then the power behind the Government had no legal recognition. It has taken the form of control of the nomination of party candidates and supervision of their campaigns for office.

One of these two forms of legislation is corrupt practices acts for the regulation by the state of the collection and expenditure of campaign funds, so that they shall not be obtained by force or fraud or used for bribery. A fed-

[5] *Your Congress*, p. 46.

eral act aims to control federal campaigns, and most states now have corrupt practices acts, though most of these acts are very inadequate.

Some states not only limit candidates' expenses, but bear part of them. The state of Oregon mails some publicity literature for candidates of all parties at state expense and Colorado contributes a certain percentage of each candidate's campaign expenses.

The other form of legislation is direct primary laws by which at elections controlled, conducted and paid for by the state, held at a stated time before the election of candidates for office—in the case of general elections several weeks before—the rank and file of the party membership nominate the party candidates. Previous to primary legislation methods of nominating were various. The method in most general use was nomination by convention. Delegates to these nominating conventions were occasionally nominated by the party members, an old form of primary which is to be distinguished from the direct primary for the nomination of the candidates for office themselves. These party conventions were made up of professional politicians, who chose candidates of their own stamp. How corrupt the make-up of a nominating convention could be is shown by the following description, quoted by Ray, of a convention held in Cook County, Ill., in 1896:

Out of 723 delegates, 17 had been tried for

murder, 7 had served sentence for murder or manslaughter, 36 for burglary, 2 were pickpockets. There were 84 other jail-birds; 9 kept gambling houses or houses of ill-fame; 11 were prizefighters and 275 were saloon or pool room keepers.

With the convention system so debased, it was time the people took a hand in making nominations, and ceased to content themselves with voting on election day for a "slate" prepared by such party representatives as those described. The system of nomination by convention possessed the further disadvantage that it removed the people still further from direct government. The movement for direct primaries is, therefore, one aspect of the movement toward direct democracy. "To regain control over the government," says Professor Macy, "the people have taken the nominating process away from the parties and made it a state function. The party is thus a legalized agent of the state."

To-day some form of primary law exists in all states except New Mexico, which still adheres to the convention system. Primary elections for all parties take place on the same day; in a few states where the "open" system is in force also at the same polling place. They are conducted at state expense on state ballots by state election boards and under state control. Many primary laws also regulate the method of

nominating party committees and the powers of these committees.

Beyond this there is little uniformity or standardization in the primary laws of the variout states. Many are very inadequate and rudimentary. A list made by the Pennsylvania Legislative Reference Bureau a few years ago showed that about two-thirds of the states had direct primary laws, most of them state-wide in scope—that is, covering all and not merely local candidates—and most of them mandatory. An optional law, that is one which allows choice between convention and primary nominations, is of little value. A more recent analysis (1917) of nominations for Congress showed that under state laws all but seven states nominate these candidates by direct primaries. This is probably a good index to the number of states which now have state-wide direct primaries.

The president of the United States is still nominated by convention, though about half the states have presidential preference primaries, by means of which state delegates go to the National Convention with a knowledge of the people's preference for presidential candidate. These are of little effectiveness, however, and in his message to Congress in December, 1913, President Wilson recommended a general federal direct primary law. This would bring federal nominations, like federal campaigns, under the control of the national government.

In about one-third of the states, delegates to the National Convention are nominated at primaries.

The direct primary is a great improvement on the older system; the main charge against it is a charge against the voter. Few voters come out at the primaries. At the last gubernatorial election in New York the Republican vote cast was almost three times as large as the vote cast at the Republican primaries.* The reason for this is partly that the voter is not yet fully awakened to his responsibility; but it is even more to be laid to the long ballot. The long ballot is one of the great sources of the power of corrupt politics.

Non-partisan elections on state and local issues and candidates, as in Minnesota, where national party issues have no bearing, is one reform which has as yet made little headway, but which would do much to undermine the corrupt power of the great national political parties.

*This is in striking contrast with the number of women of Texas who enrolled for the primaries of 1918 to the number of almost 400,000—a greater number than the vote cast by Texas men at the last Presidential election, though men greatly outnumber women in that state. This is an unheard-of showing at a primary.

Points for Reference in Chapter IX

Parties—(a) Definition—a durable organization of individuals united by common principles or a common policy; (b) work—educate and organize public opinion, frame a platform of its demands on government, and work to win elections and thus control government; (c) two major parties—their main differences; (d) five main parties in the United States in 1918 (see also Appendix A); (e) organization; (f) party control in the 48 states; (g) political corruption, past and present; (h) Corrupt Practices Acts.

Nominations—(a) Conventions; *cf.* Cook County convention; (b) direct primaries, now in all states except New Mexico. Inadequacy of some present direct primary laws. The "indifferent voter" who absents himself.

CHAPTER X

REGISTRATION AND CASTING THE BALLOT

The parties having chosen their candidates, the day comes when the voter chooses the official, local, state or national. He chooses him, in most states, according to his office, at different seasons in the year. So-called general or fall elections are commonly held in November in even years. These are for congressmen and president, the latter every four years, and for state officers, except in those states where legislators are chosen every year. City officials are in many states chosen in the fall in odd years, and county, village and township officials generally at some time between March and May, though sometimes some of them are chosen at the fall elections. Besides these, there are special elections for offices falling vacant and sometimes for measures to be decided, though laws and amendments are most frequently voted on at the fall elections.[1] These spring elections

[1] The times of elections are more fully discussed in chapters *The Village, The City, The County, The State* and *The Federal Government.*

prevail in most states in order not to confuse local with national issues and also not to force the voter to decide too many matters at one time. We have seen in previous chapters that neither of these objects has as yet been perfectly attained; that until local elections are non-partisan, national will confuse local issues, and until the short ballot becomes general, the voter will have too many candidates to vote for, to make an intelligent choice.[2]

Just as at stated times before the primaries, is held the enrollment of party voters, so since the '90's there has spread through the states a system of registration of voters of all parties before the election of officials so that they can be identified by signature, name and address and other data on election day. To-day all but two states have some form of registration law though these laws vary widely as between states.[3]

In about a dozen states registration is only required in populous centers, on the ground that in country districts there are few changes and voters are known to election officials, but among these states the minimum population ranges from that of a small village to that of a large city, from "any voting precinct where 250 per-

[2] See chapters *The City, Defects and Remedies*, and *Parties and Primaries*.

[3] Arkansas and Texas, to which possibly Mississippi should be added.

sons vote" in Illinois, to cities with a population of 100,000 and over in Missouri. In some states registration is optional in country districts. The frequency of registration also shows great variation. New York sets four weeks before each general election, Missouri four months. Other states require registration at intervals of one or two years and Ohio sets quadrennial intervals in smaller cities, annual in larger. The disadvantage of long intervals between registrations is that voters may move out of the district and still be carried on the registration books.

The object of registration is to prevent fraud by identifying voters on the day of election so that no one may vote who does not live in the precinct. Its defect is that it complicates the voter's already complex duties; on this ground the Arkansas Constitution forbids registration requirements. The case against registration is well stated in the recent report of the Chicago Election Commissioners, who give figures showing that the registered vote of Chicago increased only 135 per cent. in the twenty years, 1896-1915.

"The percentage of persons registered out of the number possible," says the report, "shows practically a steady decline during the years covered.

"The percentage of votes cast, based on the

actual registered vote, indicates no increase in the voting sentiment—rather the opposite.

"As the law now stands registrations are at such short intervals that the average voter is often in doubt whether he is registered or not, or if registered, whether the registration holds good for the succeeding election or the primary. It is undoubtedly true that the multiplicity of registration and revision days has rather hindered than promoted registration of voters, and very certainly they confuse and annoy the electorate out of all proportion to any possible special benefits."

On election day the voter goes to the polls, where, if registration is required, his name is looked up and checked off as a ballot is given to him. If he spoils his ballot he returns it and is given another; in some places he may even have a third. Care is taken that he gets but one at once, to prevent ballot box stuffing. He then goes into the voting booth and marks the ballot in secret, or, if a voting machine is used, goes behind the curtain of the machine and moves the handles that register the vote for the party or the individual candidates he favors. In some places, as an additional precaution in registration to prevent repeating, the voter writes his name in a poll book and it is compared with his signature on the register, a numbered ballot is handed him and his line number and the number of the ballot given out is re-

corded in the poll book. The ballot is placed in the ballot box in his presence by an election official. Where the voting machine is used there is no ballot to dispose of; this device has great advantages and would be of more general use if the machine were not expensive and frequently mechanically imperfect.

To take a New York election as more or less typical; within the polling place are four inspectors, two poll clerks and two ballot clerks, the number equally divided between the two major parties, also watchers. These, and the voter, and in case they are called on by the election officials, the police, are the only persons allowed within the guard rail behind which ballots are distributed, voted and counted.

The voter goes to the poll clerk, who hands him the poll book to sign his name. An inspector compares this with his previous signature on registration day and otherwise proves his identity with the man of that name on the register. The ballot clerk hands him a ballot which he goes into the voting booth to mark, then hands it to a second inspector who deposits it in the ballot box in his presence.

The polls are open from 6 a. m. to 5 p. m. and election officials do not leave the polling place till the vote is canvassed and the returns or full count given out. Packages of ballots are done up and given sealed to the proper official to be kept for a certain length of time in case a can-

didate or citizen believes there has been fraud, institutes a contest and a recount, which makes examination of the ballots necessary.

Most political districts, such as congressional, assembly, etc., represent officials to be elected, but the election district represents merely a convenient number of voters to vote at one place. This voting place is the polling place and to this come on election day the 200 to 400 voters in the election district.

The polling place itself is a subject much discussed in connection with woman suffrage. The old idea that polling places were unfit places for women is gradually being outgrown as the cruder forms of political corruption are being outgrown. The saloon polling place is part of the graft of the old politics, in the days of the bullies and the repeaters; it is a minor form of patronage and it is steadily giving place to the use of the schools as polling places. In New York City a few years ago the Honest Ballot Association obtained the use of twelve school polling places. To-day the number so used in that city alone is between 500 and 600. This is part of a general raising of the standard of the polling place, which is especially noticeable in places where women have the vote.

In connection with election officials, clerks, inspectors and judges of elections, there was of old and still is to some extent an element of petty patronage. But everywhere where women

are eligible to these offices the standard has risen. The case of Chicago has already been spoken of. The explanation is not that men are worse than women, but that women have never, like certain classes of men, had anything to do with corrupt politics and that the type of woman who applies for an office on election day is one to whom voting means more than it does to most men. She is apt to be one who has been in the suffrage movement, to whom the right to choose her representatives means a great deal and who, now that she has the vote, is anxious that the election shall be fairly conducted, so that it shall be a means of real self-government and not an instrument of boss rule.[4]

The ballot itself is one main problem of voting. Formerly, ballots were often printed by the parties, who also conducted the elections. This proved to be a fruitful cause of corruption, and in 1888 Kentucky led the way in adopt-

[4] In this connection it is an interesting fact that the woman most interested in voting appear to belong to the respectable middle class. Thus, in a fall election in 1912 the election commissioner of Denver found that in three small, prosperous or rich districts, 2,774, 2,496 and 909 women voted, respectively, while in the crowded "Red Light" district of those days only 143 women voted and many of these were respectable wives of working men whom necessity forced to live in that section. So also Professor Fred W. Eckert in his analysis of the vote at the Chicago spring election of 1915 found that the segregated district had the smallest women's vote relative to the men's of any district in Chicago, and ward by ward the highest woman's vote was shown to come from middle class or artisan districts.

ing what is called the Australian ballot system. By 1918, when South Carolina passed an Australian ballot law, Georgia remained the only state not using the new system. As the primaries brought the party business of nominations under state control, so the Australian ballot is designed still further to weaken party control by removing the governmental business of elections entirely from party influence. By the Australian system, ballots cover all parties, are printed at government expense, are obtained only from public officials, generally at the polling place,[5] the election is, as our description showed, carried on and paid for by the government, and the voter is required to vote alone in the secrecy of the voting booth.

Some states allow illiterates to be helped in the booth. Others do not allow this and many claim that the forbidding of help for illiterates constitutes a practical educational test for voting, though an illiterate would of course be able to vote if he had seen a sample ballot before the election and had been schooled where to put his cross.

The main thing that an election should bring out is an intelligent individual choice of candidates and the ballots should be such as to draw out individual choice, without confusing the voter. The commonest form of bal-

[5] Occasionally a "vest pocket" ballot mailed to the voter who fills it out at home has been used.

lot is the least intelligent. This is the party-column ballot, with the name of the parties at the top of the column, a circle in which the voter can put his cross for the whole party and the list of party candidates under this. If he wishes he can split his ticket and put a cross before the name of an individual in another party column. About a dozen states put the party emblem at the top, so that a voter can put his mark without knowing how to read.

About a third of the states use a more intelligent system. This is the Headless Ballot, originated by Massachusetts, on which the names of the offices takes the place of the names of the parties at the heads of the columns, the names of the parties being used on some ballots after the names of individual candidates, on others not at all. In Nebraska and a few other states the parties are listed on the side of the ballot and can be checked as a whole. New York also defeats the purpose of its headless ballot by putting after the name of each candidate the name of his party, while before his name stands the party emblem, so that an illiterate will have no difficulty in choosing his picture. The true headless ballot increases the chances of the voter's deciding in accordance with the candidate's qualifications, instead of in accordance with blind party loyalty. The headless ballot is part of a movement toward

more independent voting, of which Professor Ray has this to say:

"In recent years there has been a striking growth in the number of those voters who discriminate between the several candidates, instead of voting the straight party ticket. In 1896 less than four-tenths of one per cent. voted for candidates of opposite parties in national and state elections; in 1904 about 7.6 per cent. did so."

At the latter election it was shown that where the marking of individual candidates was made compulsory by the headless ballot the voters exercised the most independence of choice. Greatest choice is exercised where the method is simple. Where elaborate ballots require some method of crossing off undesired candidates as well as crossing desired, a great many ballots are spoiled.

Another problem of the ballot is that with this power of self-government at their command many voters do not exercise it. Figures showing the variation in number of votes in various sections of the country have already been given.[6] For the country as a whole the vote in the presidential election of 1908 was within a little over a hundred thousand of that of 1912, and this was in the face of a very rapid increase of population in those years. This shows something of the growing increase of indifferent vot-

[6] See Part I, Chap. V.

ers. In this connection it may be said that though opponents of suffrage are apt to croak and generalize about the large number of indifferent women voters, the general election returns of 1916 show them to have been remarkably eager to take advantage of their rights. At that election returns from county clerks show that almost exactly 2,000,000 women voted, and this number was within 5 per cent. of the quota of women in relation to the male quota in the twelve states which then had woman suffrage.

Since colonial days from time to time compulsory voting laws have been proposed or tried; the latest is a bill introduced in the Massachusetts Legislature, which would fine voters staying away from the polls. Usually such propositions would apportion the proceeds of fines among the various candidates for campaign or some other election purpose. Illinois does actually penalize those on the registry list who do not vote by drawing them first for jury duty—a commentary on men's unwillingness to do another citizen's service. The undemocratic character of compulsion is the great argument against compulsory voting. The practical argument for it is that by bringing all the voters to the polls it would go far to do away with corruption by the bought vote.

That the people's choice should be their own and not one decided by a party is one desideratum. Another is that the man or men elected

should be really those desired by a large body of people. A mere plurality, or a few votes more than the next highest man now in most places in the United States elects a man to office, but there is a growing feeling that the candidate who really can be called the choice of the people should have a majority, or more than half the votes cast at the election, if he is really to represent the choice of most of the people. The other method means that one small group, a minority of the people, actually does the choosing.

Furthermore, a man may have not only a first, but a second and even a third choice of candidate. But if the man at whose name his cross stands loses, all his other preferences count for nothing and the man whom he considers the most unfit on the list may win the election.

For this reason the system of Proportional Representation, for effective voting, with the alternative transferable vote, is being strongly advocated and has already been used in Ashtabula, Ohio, and this year in Kalamazoo, Michigan. This method of voting is somewhat difficult to describe and complex to count, but not hard to vote, and simplicity in voting is after all the main essential, as whatever forces up the standard of intelligence required of our election officials is an advantage. The system of proportional representation is used where a

board or body of men is to be elected, such as a city council. If all members of a legislature were elected at large and not each by the voters of his district only, the system would be applicable there. The principle is thus hit off by R. Tyson, in *Equity Magazine* of October, 1909: "If sixty persons are electing a committee of five, then any twelve of them (1/5) ought to be able to elect one member of the committee."

This the one-fifth would do by transference of votes. The voter marks his ballot with 1, 2, 3 for his first, second and third choices. After a bare majority to elect him is reserved for the man who gets most first choices, the balance of his first choices are transferred to whoever stood second on his left-over ballots. The votes for the man who got least first choices are then distributed according to the second choices on his ballots. Then the votes of the men in the middle are distributed until the requisite number of men are found to be elected. There are many different systems of transferring and counting, all of them complex, but the voter's part is simply to indicate his first and subsequent choices, confident that if his first choice is not elected, he still is not disfranchised for his second choice may help to elect some one else of whom he approves.[7]

[7] Literature on Proportional Representation can be obtained of the American Proportional Representation League, 802 Franklin Bank Bldg., Philadelphia.

Points for Reference in Chapter X

Elections—when they fall.

Registration—to prevent fraud; variations in time and universality in different states; defects (*cf.* Chicago and Arkansas).

Voting—description of.

Polling Place—changing character of.

Election Officials—why women are superior to men in this capacity.

Australian Ballot System—(1) same ballot for all parties; printed and paid for and (2) election conducted and paid for, by government; (3) voting secret.

Ballots—(a) Party column—*cf.* also use of emblems; (b) office column or Massachusetts ballot. This is the best form of ballot as it substitutes individual decision for blind party loyalty. The "indifferent voter"—figures and comparison of men and women; compulsory voting proposed.

Majority Choice—more than half total vote—more democratic than plurality choice—a few more votes than the next highest candidate—but former method is seldom used.

Proportional Representation with the alternative vote.

CHAPTER XI

LEGISLATION

The laws under which the voter governs and is governed are passed in one of four ways: namely, by local governments; by state legislative bodies; by initiative and referendum of the people, and by the Congress of the United States.

The possibilities of legislation by local ordinance are, as has been pointed out before, extremely limited.

Lawmaking by state legislative bodies is, by far, the commonest method. Forty-eight state legislatures make the vast bulk of our laws.

Lawmaking by the voter, through his vote, in the citizens' initiative and referendum, has been spoken of many times as part of the movement toward direct as opposed to representative government. South Dakota first, in 1898, provided for the initiative and referendum. Since then state-wide initiative and referendum measures have been passed by Oregon, Nevada, Montana, Oklahoma, Maine, Missouri, Michigan, Arkansas, Colorado, Arizona, Ohio, California, Ne-

braska, Washington, North Dakota, Mississippi, Kansas, Utah and Louisiana. New Mexico and Maryland have state-wide referendum, but no initiative. In addition, the cities of twenty-two other states have some form of referendum, in many cases combined with the initiative. Only in Vermont, Delaware, Rhode Island and Indiana have no beginnings of direct legislation been made. The initiative and referendum does not aim to cover all lawmaking. Compared with the multitude of laws on our statute books, passed by our legislatures, we have few "people's laws." The initiative and referendum is essentially a power of the people held in reserve, by which they may obtain laws withheld from them by legislatures, or recall legislative acts which are unpleasing to them.

A certain amount of legislation—a small amount, for the method is difficult—is passed by amendment to state constitutions, passing the legislature first, and the vote of the people afterwards. This is the oldest, but the least common, form of legislation by referendum. State provision for initiative and referendum itself is always made in this way.

The best form of initiative and referendum amendments provides, first, that on the petition of a certain number of voters who believe that a given act of the legislature is unpleasing to the people, that measure can be placed before the people's referendum vote—"referred" to

them—and sustained or recalled, in accordance with their "yes" or "no" majority. Second, if a law fails to pass the legislature it may, by petition, be placed before the people and passed by them, in spite of the legislature. Third, a law that has never come before the legislature can, by motion of the people themselves —their "initiative"—be placed, by petition, on the ballot and passed by their vote alone, without reference to the legislature. Through this threefold power of the voters themselves, according to one authority, "A great body of useful legislation has been obtained by means of the initiative, and a considerable number of bad laws enacted by state or municipal legislative bodies have been held up or killed by the voters, through the referendum."

The last method of legislating is through the Congress of the United States. Congress passes all laws designed strictly to carry out the powers granted the United States Government in its Constitution. Of late years, also there has been a growing tendency to stretch the meaning of various clauses of the Constitution, so as to make them cover legislation of general importance to all the people, or to large bodies of people as citizens of the United States, regardless of state lines. This broadening of the scope of the national government was one of the planks of the Progressive platform, in 1912.

One of the great problems of legislation in the United States is the diversity of state laws. Some diversity is called for by the totally different needs of localities which differ socially and industrially. A considerable amount of this diversity is, however, due to the fact that much state legislation is prepared by men of no special training or capacity for the task, and is often drawn up in haste. Another reason for diversity is the fact that when no model forms are of general acceptance in drawing up a certain law, some special interest dominant in a state can often dictate the terms of that law. This lack of uniformity, in many cases, puts one state at a disadvantage with respect to another. Thus when some of the New England states, after long agitation against bad conditions, passed decent child labor laws, the cotton textile industry migrated, to a large extent, to southern states, where there were either very rudimentary child labor laws or none at all.

There have been two methods suggested for unifying state laws, so that they shall not reflect local discrimination, but equal justice throughout the United States. One method has been educational. In 1892 a body of commissioners was formed, at the instance of the American Bar Association, to work for uniform state laws. Their work was twofold: to draw upon the best legal ability of the country to frame those laws which ought to be uniform

throughout the United States, and to push these laws in the forty-eight state legislatures. The commissioners, who are generally appointed by the legislatures of the various states, have made some progress, but in view of the fact that in a five-year period, the American Bar Association tells us that no less than 62,014 statutes are passed by our legislatures, it is evident that one comparatively small body, working for this object, cannot make a very great impression. Furthermore, on many subjects of legislation, the movement for uniform laws would encounter strong opposition. Business men in those southern states, for instance, which were thriving on a textile industry built on bad child labor laws, would fight a model law on this subject, tooth and nail.

In those technical matters which will make the details of business uniform, the uniform state law movement has made most headway. Already fifty states and territories have passed the negotiable instruments act drawn up by the committee, and forty-one the uniform warehouse receipts act, and so of other acts in the commercial or financial field. The committee has stood behind twenty-seven different acts, only nine of which were not in these fields, and these nine have made small progress in the legislatures. "Acts," says the secretary of the commission, "which the conference has ap-

proved on social matters, have not met with great favor."

It is in connection with such matters as these, dealing with human welfare, which special interests in some states may oppose, that the recent extension of the field of federal legislation is of most importance.

Since the beginning of the Republic, but most prominently since the years leading up to the Civil War, the states rights issue has existed between state and nation. With respect to the negro it was settled in favor of the nation. Since then it has come up in connection with proposed federal legislation. Some legislation covering subjects formerly left to the states, has been passed under various clauses of the Constitution, but again and again "states rights" prevents other legislation or throws out, by court decision, laws actually passed.

A law preventing the making of poisonous phosphorus matches, by imposing a heavy federal tax, was passed in 1912. This was based on a decision of the Supreme Court in the so-called oleomargarine case, to the effect that "the taxing power of Congress knows no limits, except those imposed by the Constitution, and cannot be restrained because of the results which may follow from its exercise"—that is to say, even if the application of this taxing power results in the regulation of an industry carried on within a state.

The Pure Food Law forbade interstate commerce in adulterated foods. In 1916 the National Child Labor Committee secured the passage of a law forbidding transportation, in interstate commerce, of the product of the factory labor of children who were either under fourteen years of age, if employed in factories, sixteen in mines or foundries, or who worked more than eight hours a day, or whose employment was performed under certain other bad conditions. This was, in June, 1918, declared unconstitutional by the United States Supreme Court, on the ground that "the grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce and not to give it authority to control the states in their exercise of the police power over local trade and manufacture."

This decision came as a setback to those who are trying to protect the national welfare by national legislation. But the halting of social legislation through national channels is only temporary. The taxing power can be invoked as it was to protect workmen working with dangerous phosphorus, and a law based on this power, as the oleomargarine case shows, has chance of passing the review of the court.

Already Senator Kenyon has introduced a bill forbidding the use of the mails for business purposes to persons employing children, and an amendment to the Revenue Bill has been intro-

duced, setting an adult wage as the minimum for child labor.

If all these fail or seem doubtful of satisfying the court, there are other surer ways. There is the possibility of constitutional amendment, already invoked to free the negro slave. One federal law declared unconstitutional has already been made the subject of a federal amendment. This is the income tax law, passed in 1893, thrown out by the Federal Court, and in 1913 made a part of the United States Constitution in Amendment XVI.

A child labor amendment has been introduced by Representative Mason. But the amending process is slow; it holds back legislation needed by the people. It would seem that, if we must resort to this method, the best provision for the future of national social legislation would be a general common welfare amendment carrying out the purpose of the Constitution as stated in its preamble; namely, "to provide for the common welfare." This would give the Federal Government a power equivalent to the police power of the states, and it would safeguard future federal laws from the Supreme Court.

Senator Owen has pointed out another means by which laws can be safeguarded from the court. His bill reënacting the child labor law and prohibiting the Supreme Court from invalidating it, is ably defended by Chief Justice

Walter Clark of North Carolina, who points out that:

"The jurisdiction conferred on the Supreme Court by the Constitution, Article III, is small, and then follows: 'In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact *with such exceptions and under such regulations as Congress shall make.*' "

The reconstruction acts were founded on the principle of Senator Owen's bill, which was admitted by the Court itself, as depriving it of power. Justice Clark shows that the usurpation of power by the courts, first appearing in the case of Marbury *vs.* Madison, was fought by presidents from Jefferson to Lincoln. It has led to many unconstitutional decisions, as shown by such reversals of its own decision, after a term of years, as the Oregon ten-hour case last year. He urges Senator Owen's method as more speedy than a constitutional amendment.

But whatever special clauses in the Constitution humane federal legislation is technically based on, the real principle underlying it is the power of the United States to protect the common welfare of the nation as a whole. This was expressed by Justice Holmes in his dissenting opinion on the Federal Child Labor Law, when he said:

"The public policy of the United States is

shaped with a view to the benefit of the nation as a whole. The National Welfare, as understood by Congress, may require a different attitude within its sphere from that of some self-seeking state. It seems to me entirely constitutional for Congress to enforce its understanding by all the means at its command."

Points for Reference in Chapter XI

Four Methods of Legislation (1) local ordinances, of limited scope;

(2) State laws commonest method—62,014 state laws passed in a five year period. Lack of uniformity in laws, as between states, is a distinct disadvantage; can be in part rectified, as far as business laws, etc., are concerned, by the work of the Commission on Uniform State Laws of the American Bar Association, founded 1892.

(3) Initiative and referendum—People's Law; not suitable for dealing with the whole mass of necessary legislation, but a power of the people held in reserve by which they can themselves pass laws denied them by legislatures or recall laws passed by legislatures which do not meet their approval. All but four states have some form of initiative and referendum.

(4) Federal or National legislation—the modern tendency is to stretch the field of national legislation to cover matters of common welfare, such as child labor, which local interests may hold back in certain states.

CHAPTER XII

THE JURY—THE FREEMAN'S ANCIENT RIGHT

At every point in our analysis of government we have noted its three parts, law-making, law executing and law enforcing. The law enforcing body is the judiciary; in other words, the courts. The power of the highest state court to decide whether a state law is consistent with the state constitution, and of the Federal Supreme Court to decide whether a federal or a state law is consistent with the United States Constitution has already been commented on. Only the highest courts have this power to renew and pass upon laws, but all courts are charged with enforcement of the laws.

State courts are divided into inferior courts, courts of general original jurisdiction, and courts of last resort or appeal. Among inferior courts are those presided over in the local governments by justices of the peace. They try minor civil cases (disputes between man and man), involving small sums of money, and petty criminal offenses (offenses against the public) such as breaches of the peace. Corresponding courts in cities are, for civil suits,

municipal courts; for minor criminal cases, police or magistrate's courts. These courts also in some cases arrest and bind over for the higher courts, persons accused of serious crimes.

Courts of general original jurisdiction cover most of the judicial activity of the state, including the original trial of serious civil and criminal cases. They are generally divided for practical convenience into circuit, district or county courts.

The State Supreme Court decides cases appealed from the decision of the lower court. This court has more than one judge, from three to nine in the various states, whereas the lower courts have only one. Most judges are elected, though in about a quarter of our states supreme court judges are appointed. Their pay tends to be greater than that of officials in other departments of government and their term of office longer. As against one or two years for the term of other officials in the local governments, for instance, the justice of the peace has in most states a four-year term. Supreme court judges serve for much longer, in some states for life.

The Federal Judiciary has jurisdiction in all cases under the Federal Constitution and Statutes. It is divided into district courts (92 districts throughout the United States), circuit courts (29 judges) which relieve the Supreme Court of certain appeals, and the United States

Supreme Court of nine judges which decides appeals from lower federal courts and from state supreme courts, and also tries certain classes of original cases. Judges are appointed by President and Senate, and serve for life.

Since 1215, when in Magna Charta King John promised that "no freeman shall be taken, imprisoned, dispossessed, outlawed or banished; nor shall we go upon him, or send upon him except by legal judgment of his peers," whatever courts may try the case, whatever judges determine the penalty, the fundamental question of a man's guilt or innocence, in all criminal cases, and whenever he asks it in civil cases, has always been decided in open court on a written charge by a jury of his peers, namely, by freemen like himself.

In the United States, indictments or written accusations of crime are brought against the individual by a grand jury of from twelve to twenty-three citizens. The case is then brought to court, where a petit jury of twelve citizens hear the evidence and decide guilt or innocence. The judge then fixes the penalty. The defendant may appeal and go through a like process in a higher court.

Jury trial is the oldest of freemen's rights and jury duty a responsibility of the freeman long before he had political rights and duties and was known by the name of citizen. Yet in no states where women citizens cannot vote, and

in but few where they can, are women called to service on juries. Conversely, in the states where they do not serve, the woman accused of crime is deprived of trial by her peers. It is natural that this should be so where women do not vote, but the assumption has naturally been made by many that jury duty is a part of full voting citizenship. Most people have assumed that in equal suffrage states jurors' names were chosen from the poll lists without regard to sex. In a few equal suffrage states women do serve legally, in others they do not, and never have; and in still others they did so serve for a time, drawn by local magistrates actually in contravention of the law.

Idaho is the only suffrage state which so interprets the jury law as to force jury duty on women, and in this state, the compulsion is largely theoretical.

"Women are not excluded from jury duty," writes the Attorney General of Idaho, "either by constitutional provision or by statute, nor can they be exempt if they plead sex, and they may be forced to serve upon exactly the same terms as men. As to the proportion of women who serve on juries, I will say that very rarely indeed do women serve. . . . In practice, if summoned as jurors, it is more than likely that the judge would accept an excuse and relieve them from duty."

There are only five other equal suffrage states

in which women are even permitted to serve on jury. These are Kansas, Nevada, Utah, Washington and California.

"In Kansas," says the Attorney General, "women are exempt if they plead sex. However, they may serve, if they desire to and qualify." So willing have the women been to serve that they defeated a bill designed expressly to exempt them.

Such a bill as was defeated in Kansas has actually become law in Utah. The District Attorney writes: "There is nothing in the Constitution or laws of this State which would prevent a woman from acting as a juror, providing she is a citizen of the United States, over the age of twenty-one years, can read and write the English language, has the required statutory residence, is a taxpayer in the State and is of reputable sound mind and discretion, and not disabled in body so as to be unable to serve as such. However, by a statute a female citizen is expressly exempt from jury duty."

In 1917, however, women jurors did actually serve in Utah in spite of the exempting statute.

In general, women in equal suffrage states, like the women of Kansas, do not ask to be exempt. There is no reason why sex in itself should constitute an exemption, since a substantial excuse is always accepted by the court, and any reasonable judge would relieve a woman from service in those cases where her chil-

dren's needs demanded her presence at home.

As for the other equal suffrage states the attorney generals state:

Montana: "Women are not qualified as jurors in any case."

Colorado: "Only men are eligible for service on juries."

Arizona: "Our law does not provide for women serving on juries."

Alaska: "Women are excluded by the terms of the jury law."

In Illinois, Wyoming and Oregon, they did actually at one time serve on juries, only to be deprived of the right later. In Wyoming they served even before they had the vote. In those days Justice Howe frankly took the law into his own hands. He deliberately stretched the right to vote to cover jury duty and drew women on his juries, on the ground that in the outlaw communities of his state, they were the only solid and reliable citizens. This is a point worth calling to the attention of those who claim that women are too emotional for jury duty. His right to women jurors was constantly questioned, and on one occasion a threat was made of carrying a case to the higher court. The Judge pointed out that he himself was on the Supreme Court and that the majority on that Court were in sympathy with his policies. "Well, in that case, your Honor," said the opponent, somewhat grewsomely, "as judges do

not resign, there is a possibility of their dying, and all one can do is to wait." Fortunately, it was only illness and not death that brought Judge Howe's services in Wyoming to an end. With his withdrawal, came the end of the Wyoming women jurors.

No Wyoming case has, as in Washington before the new jury law, been decided definitely by the Supreme Court. One male prisoner in that state did demand women jurors, but the court decreed that the question could only be decided in case a woman demanded trial by her peers.

In Illinois they served in the early days of woman suffrage, then lost the right on the ground that "without express legislation they are not qualified."

In Washington and California women jurors served, were deprived and the right was restored to them by legal enactment, Washington in 1911 and California in 1917.

The ground on which in these eight states women have not been allowed to serve on juries as part of their citizenship is an interesting one. The common law term by which a juror is described in the law is homo—human being—and "under this word homo" as used in the jury law, says Blackstone—that wealth of information on the legal suppression of women—"though a word common to both sexes, the fe-

male is however excluded *propter defectum sexus.*"

This "defect of sex," first recognized in the Harland case which deprived Washington women of their right of jury duty, has been removed by law in Washington and California. Such a law has been pushed but not yet passed in some of the other states where women are not allowed to serve. It should be passed also in those six states where women are now actually serving without special legislation, for the common law principle underlying the Harland case may at any time be adopted by attorney generals in the others, and the right of jury duty withdrawn. New York women lawyers have been foresighted in this respect. One of the first laws relating to women introduced into the New York Legislature after women got the vote was the bill of the Women Lawyers Association to give women the right to serve on jury. It did not pass in 1917, but it will be pushed till it does, so that there will never be any question in that state of "defect of sex."

POINTS FOR REFERENCE IN CHAPTER XII

JUDICIARY—national and state.

JURY DUTY—Oldest right of the freeman. Women serve by virtue of their citizenship in Idaho, Kansas, Nevada, Utah, but in all of these they can be exempted if they plead sex. In all but two of the other equal suffrage states women

are not allowed to serve on account of the terms of the jury law in which women are expressly excluded from the meaning of the word *homo* "on account of the defeat of their sex." In Illinois, Wyoming and Oregon, women did actually serve on juries at one time, but were deprived of this right on the above grounds. In Washington and California they served also, were deprived and have now remedied this defect by legislation permitting them to serve.

Citizenship for married women, through act of Congress, and the freeman's right to try and be tried by their peers, through state legislature, should constitute a first legislative program for women voters.

APPENDICES

APPENDIX A

THE DEMOCRATIC PARTY IN NATIONAL POLITICS IN THE 20TH CENTURY

(Excerpts from an article by Ellis Meredith, of the Women's Bureau of the Democratic Party)

With the beginning of the new century, in its 1900 platform, the Democratic party adopted this plank:

"We favor an amendment to the Federal Constitution providing for the election of United States Senators by the direct vote of the people, and we favor direct legislation wherever practicable."

When the change in the election of Senators was actually brought about in 1913 it was heralded as the greatest political reform of the last half century. It was the first great step in the program of placing the powers of government in the hands of the people themselves.

And the second was like unto it. The revolt against the autocratic powers of the speaker culminated in the election of a Democratic House in 1910. At that time and for years the speaker of the House of Representatives had control of the entire machinery of legislation

in that body. No one could get a hearing without his consent. The Democratic House amended its rules taking away these arbitrary powers and providing for a Calendar Committee representing both parties and all sections of the country.

The third reform was also purely political, but when rules were adopted by the incoming Congress in 1917, by which the horde of lobbyists was driven out of the Capitol, the Congress of the United States was freed from influences which had long hampered its usefulness. These three radical changes in methods cleared the decks for action and made it possible to put through the legislation that has made the last six years notable.

It may seem strange to speak first of the Child Labor Law, which has been held unconstitutional, but the simple fact is that a bill of this nature had been introduced in several Congresses and had died with them while waiting for a responsive Congress and a courageous Chief Executive to make it a law. The court which set the act aside commends the purpose of the law, and other bills, drawn with the objections of the court in view, are now pending.

More than that, last year there was promulgated what is known as "General Order No. 13." It deserves to be called the Great Charter of American labor, and it sets standards which employers must observe if they expect to re-

ceive government contracts. It covers the main features of the Child Labor Law and, in brief, makes the following requirements governing the employment of women and children and sets similar standards for men: No employment of minors under 14 years of age; no employment of children under 16 more than 8 hours a day; an eight-hour day for women wherever possible; Saturday half-holiday; one day of rest in seven; avoidance of night work and overtime; no tenement house work; avoidance of extreme temperatures in workrooms; adequate light, ventilation and sanitation; protection against fire, industrial fatigue, disease and accident; adequate time for rest and meals; a place to eat outside the workroom; equal pay for equal work; wages commensurate with increased cost of living; mothers of young children in the home rather than in industry; coöperation of employer and employee.

All this is in line with the legislation that fixed the eight-hour day for all Government employees, for all employees of contractors doing Government work, for women employees in the District of Columbia, and for railroad men throughout the nation.

The Farm Loan Law excites only a languid interest in states where money can be obtained at 5 per cent., but in the far West it has been a veritable emancipation proclamation to thousands of farmers who lived in dread of losing

their farms through inability to keep up exorbitant rates of interest. In the first year of its operation some 50,000 farmers borrowed one hundred million dollars, much of which was expended in taking up existing mortgages.

Another act much appreciated by country people is the Agricultural Extension Law, which brings the advantages of scientific education to farmers and their families, teaching them how to get the best results and relieving farm work of much of its drudgery.

The Good Roads Act, like the Agricultural Extension Law, works on the principle of Federal aid for state enterprise, and under its provisions thousands of miles of turnpike have been constructed. These two measures, designed to increase the output of farms and facility of marketing products, are great socializing agencies and steps in preparedness for the present war conditions whose value can hardly be overestimated.[1]

There are no sectional limitations upon the

[1] Wilson's is not the first Democratic administration to look out for the farmer. During the first Cleveland administration the second Homestead law was passed—the first also had been passed by a Democratic administration—giving the people the widest possible opportunity to open up the public lands of the country for actual settlers.

During this same administration over one hundred million acres of land granted as provisional subsidies to various corporations by the several Republican administrations was reclaimed, the provisions not having been met.

blessings brought by the Federal Reserve Act. When a man loses all he has his feelings are much the same whether he does business in Wall Street or Tin Cup, Colorado. In 1907 a few men had the power to precipitate a panic and did not hesitate to use it. The world has been at war since August, 1914, but there has been no financial flurry since the passage of the Federal Reserve Law.

When war abroad brought consternation to thousands of business men and insurance rates for goods to be shipped abroad began to soar, the Administration assumed the risks, issued insurance at reasonable rates, paid all losses and found it financially profitable.

"Conscription" is a hateful word to American ears, yet there is an innate spirit of fairness that makes reasonable persons admit that part of the sons of America should not bear the brunt of her battles. The selective draft is the fairest way ever devised to raise a great army quickly, and it has been accepted in that spirit by the American people.

Having called her sons to the colors, Columbia has made such provision for them and those they leave behind as was never dreamed of before. The soldier can take out from $1,000 to $10,000 insurance, specifying the beneficiary in case of his death, or it may help to rehabilitate him if he returns disabled, or serve as a nest-egg to give him a new start in life. Realizing

that many men were leaving dependents, the Government provides that the wife of the private receiving $30 per month shall receive half of it and $15 more as a separation allowance. If there are children this is increased. If the soldier receives a larger amount he is expected to give half to his family. If he is injured or discharged or dies the allotments and allowances cease and the compensation and insurance features become operative. Nothing could do more to preserve the "morale" of the army than this knowledge that the loved ones are provided for, and it has done much to keep the fires of courage burning at home.

But the Government has not stopped at "morale." It insists upon morals and a high standard of conduct. Evils which had existed so long that they have been accepted as ineradicable are finding their day of judgment. Several prohibitory measures have been passed in regard to liquor, and "red light" districts have been ordered to clear out, rather than to clean up.

Most women would be content to know that their sons were brave and good, but Columbia is more ambitious. The draft called many men who could neither read nor write English. Some of them were of foreign parentage and some from regions where truancy laws are unknown. They are receiving an elementary education. The "Questionnaire" filled out by all men of draft age was drawn with the intention that it

might help them to find their sphere of usefulness in civilian life if they were not called to serve in uniform. It seems, indeed, a fitting supplement to the system of Vocational Education established by a law signed by the President in February, 1917.

The Federal Prohibition Amendment was passed by votes on both sides of the chamber. It had strong backing from Democrats and Republicans, and strong opposition also. The same is true in the case of the Suffrage Amendment which is still pending at the time this is written. While the Income Tax Amendment and that for the popular election of Senators were submitted by a non-partisan vote—as any Constitutional amendment must be—they had been planks in the Democratic platform, and for that reason deserve to be classed among the achievements of the Democratic party.

REPUBLICANS IN NATIONAL POLITICS

(Excerpts from an article by Helen Varick Boswell, of the Republican Women's Association)

From the fact that since the date of the Civil War to 1901, eight out of ten Presidents elected by the people were Republicans, and since that date two out of four have been Republicans, it may be deduced that the Republican party which has elected ten out of fourteen Presidents since the Civil War deserves the title of "The Party Which Best Serves the People." In the long run people get pretty nearly what they want.

The Republican party has always been the party of a strong, vigorous union. It has ever put the United States before individual States. It has been the party standing for a protective tariff. Subsistence is a first requisite of existence, and we have the higher American standard of living because of the Republican protective policy which made of Americans the best paid workmen in all the world.

It has been clearly demonstrated that the protective policy which made us industrially and commercially eminent is necessary to preserve that eminence. A protective and productive

tariff which prospers America first is the kind of policy this country needs and wants. It is an economic policy, which sends the American working man to the savings banks rather than to the soup houses. The Republican party has been ever consistent in its unchanging position upon this policy.

The Republican party will be needed by the country at the close of this war, when the great reconstruction period in industry is upon us. Never in our history will there have been such great need for a protective defense against foreign invasion of our industrial security.

The Republican party had a federal foundation, and under it the nation expanded to greater national glory. Our strength at home, our widened relationship to people's welfare all point to the fact that there can be no real national achievement that does not lift the great rank and file to an ever higher plane. Republican policies when they are maintained provide conditions for the ideal arrangement of the people and the development of the real American spirit.

In support of the claims made for the Republican party as the best and greatest agency of governmental life in the United States, the facts here submitted and which cannot be controverted, speak for themselves.

The first eight-hour law was passed by a Re-

publican Congress in 1868, and signed by a Republican President, Ulysses S. Grant.

The Bureau of Labor (then in the Department of the Interior) was created by a Republican Congress in 1884, and the law was signed by a Republican President, Chester A. Arthur.

The Department of Commerce and Labor was created, and its Secretary made a Cabinet officer by a Republican Congress, the law being signed by President Theodore Roosevelt in 1903.

The law compelling safety devices for interstate railroads was first passed by a Republican Congress March 2, 1893, and signed by a Republican President, Benjamin Harrison; amended and approved in 1903.

The Government's Compensation Law for Federal Employees was passed by a Republican Congress March 2, 1893, and signed by a Republican President, Theodore Roosevelt.

The Employers' Liability Law was passed by a Republican Congress and signed by a Republican President on June 11, 1906.

Since the days of the Morrill Tariff in 1862, every time that the Republicans have been in control of Congress they have had a protective tariff to maintain a high scale of wages for American working men, and to uphold the American standard of living which is universally recognized as higher than that of European countries.

The Model Child Labor Law for the District of Columbia, which is the only territory controlled directly by Congress in such matters, was passed by a Republican Congress May 28, 1908, and signed by a Republican President, Theodore Roosevelt.

The Pure Food and Drug Act was passed June 30, 1906, by a Republican Congress and signed by Theodore Roosevelt. This was the famous law known to housewives providing that "Labels must tell the truth."

The Meat Inspection Act, providing for protection to food "From hoof to can" at Government expense, was passed by a Republican Congress June 30, 1906, and signed by Theodore Roosevelt.

The law incorporating the Red Cross was passed under a Republican Administration.

The White Slave Law, providing a heavy system of fines and imprisonment for interstate traffic, was passed by a Republican Congress June 25, 1910, and signed by a Republican President, William H. Taft.

The general policy for the regulation of corporations instead of their destruction was originated by Republicans.

The first Federal corporation tax of 1 per cent. on net profits was passed by a Republican Congress in 1911, and signed by William H. Taft.

The Anti-trust Act was passed in 1892. The

principal authors were William McKinley, Senator Edmunds, Senator Sherman.

An act creating an interstate commerce commission was passed February 4, 1887, and signed by Benjamin Harrison.

An act amending and enlarging the same was passed on June 18, 1910, and signed by William H. Taft.

Railway rates were fixed by commission; rebates and discriminations penalized and passes prohibited.

Sleeping car, express companies and pipe lines were brought under its jurisdiction.

Postal savings banks act, guaranteeing 2 per cent. interest on deposits June 25, 1910, was signed by William H. Taft.

Rural Free Delivery was established by a Republican Congress under President McKinley in 1897.

The Gold standard was preserved under Republican legislation.

A National Monetary Commission was created by Republican legislators, on whose report the Federal Reserve Act was passed under President Taft in 1910.

The Thirteenth Amendment to the Federal Constitution abolishing slavery was passed by the Republican Congress in 1865, and ratified by a majority of Republican States in 1865.

The Fourteenth Amendment, creating citizenship of the United States as distinguished from

citizenship of the several states, was submitted by a Republican Congress in 1866, and passed by a majority of Republican States in 1868.

The Fifteenth Amendment, by which it is provided that the right to vote should not be abridged by reason of race, color or previous condition of servitude, was submitted by a Republican Congress in 1869, and passed by a majority of Republican States in 1870.

AIMS OF THE SOCIALIST PARTY

(Excerpts from an article by Anita C. Block, Associate Editor of the "New York Call")

It has always seemed to me that the test of where a woman belongs politically is the attitude she takes toward the social condition known as poverty. Does she regard it as a deplorable but necessary evil, as something which can, at best, be lessened and alleviated, but never abolished? Or does she refuse to accept poverty as a part of her world, and is she determined that a way must be found to get rid of it?

If you belong to the latter class—if in your mind the problem of poverty transcends all other problems, if you have declared war on poverty and have decided some way, somehow, poverty *must* be abolished—then the Socialist party has a claim on your attention and has something very important and very definite to say to you.

For the Socialist party says that in the highly advanced stage of economic and industrial development to which we have attained, poverty is entirely unnecessary and inexcusable. Under modern labor conditions enough of every-

thing can be produced to satisfy the needs and normal desires of all. It is to our irrational and unjust system of the private ownership of the means of life, and of their production and distribution, that the poverty of the masses is due. And since poverty is, in turn, the cause of practically every other social ill, such as disease, crime and ignorance, there is just one great task before awakened men and women. That task is to do away with the *cause* of poverty; namely, with this present industrial system of the private ownership by the privileged few of the land, of its natural resources, and of the machinery of production and distribution of the things that all people need in order to live—the system to which the Socialists have given the name of Capitalism.

The workers, whose labor, whether of the hand or brain, has alone created the country's wealth, are forced, by this capitalist system, to be wage-earners, millions of whom never know what it means to win out in the struggle against poverty. They are forced into this miserable position because they do not own the modern tools with which they must work in order to live, and because those who do own the tools can therefore dictate to the workers the terms under which they must labor and live. The object of the owning or capitalist class is to keep the wages of the working class down to the lowest point at which they can remain in a

fit condition to work and to produce more workers. The lower the wages, the greater the profits. The object of the dispossessed, or working class, on the other hand, is to wring as high wages as they can from their employers, by whatever methods they can devise.

Thus there exists between the owning class and the working class constant, open hostility, which evidences itself in the form of strikes, lockouts and boycotts, which often assume the proportions of civil war. This incessant and inevitable conflict between the employing class and the employed class arising, as it obviously does, out of their diametrically opposed economic interests, the Socialists call the *class war*. Only the willfully blind can deny that a class war exists, and only the willfully unjust can assert that the Socialists "preach" class hatred. The Socialists are merely brave enough to recognize the class war as an existing fact, and to insist that the only way to put an end to it, and to the division of the body social into classes, is the same as the only way to end poverty, namely, by having the nation own the land and resources and the tools of production and distribution and having all work for the use and benefit of all, and for the profit of none.

Are the Socialists impossibilists and dreamers? The way the railroads and telegraphs have gone would not seem to brand them so, nor the hundred other ways in which the Gov-

ernment has shattered all claims of private ownership. If the nation can own and control in the people's interest in time of war, why not in time of peace? Is peace profiteering any better than war profiteering? Are the lives of the workers, who alone make it possible for the nation to endure in time of war as well as in time of peace, less precious than the lives of the soldiers? Let us have done with profiteering *all the time,* say the Socialists. Let us wipe PROFIT off the map, and with the lust for profit will go militarism and junkerism, autocracy and poverty, and all that divides the nation against itself and nations against each other.

And this brings me to a matter which is uppermost in the hearts and minds of us all, and which, if properly understood, would be the most potent reason for voting the Socialist ticket. It is assuredly the hope of every decent-minded person that this war shall be the last ever to darken the world again, and that out of it will grow a world of nations which shall know no rivalry, but only the peace that comes of friendly coöperation. Is there any way, however, of bringing about this internationalism, except by removing the causes which have hitherto prevented it? And what has caused the rivalry between nations and the building up of stupendous armaments? There has been but one basic cause: the competition between the capitalists of the different nations for the con-

trol of the markets of the world so that they could sell their goods and amass their private profits.

Thus so long as goods are produced in each nation, not for the use of the workers who produce them and for free exchange with the workers of other nations, but for the private profit of the capitalist class of each nation which exploits the workers of each nation—so long will it be impossible to put an end to economic barriers between nations and to the wars that must arise as the result of those barriers.

A lasting world-peace cannot come because we long for it, or because we ethically assert that it ought to be. A lasting world-peace cannot come so long as the economic system which prevails in the individual nations is that of *capitalism*, under which the economic rivalry among the capitalists of those nations is inevitable. A lasting world-peace, or internationalism, cannot exist in the same world with capitalism—in a world where production is carried on privately by a few who compete for profits, instead of socially by all who produce only for the use of all. Mark well our words, say the Socialists: any peace that is not based on the socialization of industry, that still leaves capitalists in the various nations with the power and the right to compete with each other, cannot be a lasting peace, for the germ of war will not have been eradicated. If you want a world in

which self-respecting nations can live at peace, then vote for the Socialist party, for International Socialism alone can bring about such a world.

Among the many immediate demands of the Socialist party, each one of which is a separate reason why you should vote the Socialist ticket, are the following:

Complete abolition of child labor.

A legal minimum wage based on the ascertained cost of a decent standard of life.

Abolition of private employment, detective and strike-breaking agencies, and the extension of the Federal Employment Bureau.

An uninterrupted rest period of one and a half days each week.

Adequate higher educational facilities for the entire youth of the nation, and such contribution to family resources as will enable the youth to remain in contact with such facilities until they are fully equipped for their economic and social careers.

Pensions for mothers, for invalidity and for old age.

The retention and extension of the public domain and the conservation and full development of natural resources by the nation.

Taxation to be raised from graduated taxes on incomes and inheritances and from site values.

Nationalization of banking and of socially beneficial kinds of insurance.

National ownership and democratic control of the railroads, telegraphs and telephones, steamship lines and all other social means of transportation, communication, storage and distribution.

Democratic control of the Government through a constitutional amendment providing for the initiative, referendum and recall.

Proportional representation of all representative bodies.

The abolition of the powers of the courts to make and unmake laws because of alleged unconstitutionality or other grounds.

Rigid maintenance of the right of free press, speech and assemblage, in peace and in war.

The Socialist party has demanded political freedom for women since its foundation. Women have always voted within the party and are eligible to all offices on the party ticket.

A PARTY OF PRINCIPLE

(Excerpts from an article by Mamie W. Colvin, Candidate for Lieutenant-Governor of New York on the Prohibition Party Ticket)

The Prohibition party has a political record of nearly fifty years. It is the longest-lived minority party in the history of our country.

The most shameful page of American history is that which depicts the rise and growth of the liquor power in American politics.

The adoption of the internal revenue system in 1862 and the subsequent adoption of the high license system in most of the states entrenched the liquor traffic in the government revenues and every increase in the liquor tax has served to make it more difficult to dislodge.

The U. S. Brewers Association, organized also in 1862, entered politics, and as early as 1867 declared that it would "sustain no candidate of whatever party in any election who is in any way disposed toward the total abstinence cause."

The liquor traffic is protected by national law, promoted by national liquor organizations which wield a balance of power and dominate political parties, and the evil consequences of that traf-

fic are incapable of being confined within state boundaries. The Prohibition party holds that these facts make the liquor traffic a national problem and its destruction the greatest internal task which America faces.

Furthermore it holds that the magnitude of the task requires a political party committed to Prohibition to deal with it successfully in administration as well as legislation.

A great many people think that Prohibitionists are people of but one idea, but the platforms of the party bear witness to the fact of the far-seeing constructive statesmanship which seeks not only to change the attitude of the government on the liquor traffic and harmonize the action of all departments of government on this subject, but to face squarely all other problems confronting the nation.

The statement has been made by a noted Chicago journalist that most of the reforms of the last generation have had their inception in the minds of the Prohibition party.

Some of the principles which were *first* championed in the platforms of the Prohibition party, most of them many years before they were taken up by any other parties, are:

Equal suffrage, 1872; civil service reform, 1872; reform labor legislation, 1872; direct election of U. S. Senators, 1876, twenty-four years before either one of the old parties advocated it; suppression of polygamy and protection of

the home through uniform marriage and divorce laws, 1876; omni-partisan tariff commission, 1904; anti-child labor plank, 1908, before it became the political capital of the Progressive party.

In our last national platform, 1916, written a year before our nation entered the war, we pledged ourselves to maintain an effective army and navy and to provide coast defenses adequate for national protection.

We declared that private profit, so far as constitutionally possible, should be taken out of the manufacture of war munitions and all war equipment.

In normal times we favor the employment of the army in vast reclamation plans, in reforesting hills and mountains, in building state and national highways, in the construction of an inland water way from Florida to Maine, in opening Alaska and in unnumbered other projects which will make our soldiers constructive builders of peace. For such service there should be an adequate industrial wage.

A plank on social justice included old-age pensions, insurance against unemployment and help for needy mothers, all of which could be provided from what is wasted for drink.

We declared for the public ownership of public utilities, for the court review of departmental decisions, for the conservation of forests, water power and other natural resources.

if it expresses conviction, but it is thrown away only when it is used to gamble in elections, "pick a winner," or help elect a candidate because there is a *chance* of his election.

(b) We believe with Lincoln, "I am not bound to win, but I am bound to be true; I am not bound to succeed, but I must live by the light I have. I must stand with my fellow man—must stand with him when he is right, but part with him when he is wrong."

(6) Because an increased prohibition vote is always indicative of a strong prohibition sentiment and influences politicians more than is commonly supposed.

(7) Some presume that the Prohibition party was organized for one object and when that object is secured there would be no further need of this party, and it would go out of existence. The Republican party was organized for substantially one object, but it has not yet ceased to exist.

If all who believe in Prohibition would unite in the Prohibition party, its main object, Prohibition, would be secured and a new, clean party would be elected to power. Surely this would not be a calamity in American politics.

THE ANTI-SALOON LEAGUE; A NON-PARTISAN POLITICAL BODY

(By Adella Potter, Chairman of the Organization Department for the U. S. Anti-Saloon League)

The Anti-Saloon League is a national body with forty-eight state organizations. Its aim is the total elimination of the traffic in alcoholic liquor as a *beverage*. It in no way attacks the manufacture of alcohol for *industrial* or *sacramental* use. Its method is non-partisan.

When it was organized in 1893 there was considerable prohibition sentiment in the country, but only six dry states, three of which shortly lapsed back to license; there seemed no practical way of getting the existing prohibition sentiment into action as the majority of voters would not leave the Republican and Democratic parties to join the Prohibition party. At this crisis the founders of the League appeared upon the scene and said: "You don't have to stop voting your own party ticket in order to get prohibition—simply insist that the representatives of *your* party, if elected, vote for prohibition measures."

When this new viewpoint got over to the people, things began to happen. Republican and

Democratic legislators voted for prohibition laws and submitted state prohibition amendments to their constituents, with the result that to-day twenty-eight states are dry, either by statute or constitutional amendment; the Hawaiian Islands, Alaska, Porto Rico, the United States territory around the Panama Canal and Washington, our national capital, are also dry. Several other states through local option gains are almost dry. Last December, the National Prohibition Amendment was submitted by a two-thirds vote of both Houses of Congress to the forty-eight state legislatures. Fourteen of these legislatures, Arizona, Delaware, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, Montana, South Carolina, North Dakota, South Dakota, Texas, Virginia and Louisiana have already voted to accept this national amendment; of the fourteen, Massachusetts, Delaware, Maryland, Kentucky and Louisiana are still wet states.

Both Democratic and Republican states have ratified the amendment, and Democratic, Republican and Socialist representatives have voted for and against the question. It has been and is an absolutely non-partisan measure.

"The Anti-Saloon League is not another temperance society or a political party. It is not a rival of any other organization, but it is, as its name implies, a League of organizations. It is a clearing house for churches and temperance

societies. Its primary function is not the creation of anti-saloon sentiment (the word saloon is used because it typifies the modern attempt to capitalize human frailty and is branded by the court as the main cause of lawlessness and crime), *but the direction of existing sentiment to secure immediate results.* It is non-partisan and interdenominational. It has found that prohibition prohibits better than regulation regulates. Its fundamental proposition is for every person who is opposed to the saloon to unite with every other opponent of the saloon without reference to what either of them thinks concerning any other question. It aims to make it possible for every citizen to vote directly and effectively against liquor as a beverage and at the same time to vote his own party ticket.

"The League has to do with *candidates* and things for which they stand, not with parties or platforms. Not being a party, the League never nominates candidates, but when no party candidate is satisfactory, it may encourage the nomination of an independent. The perfection of the League idea is not to make the League as an organization a great political power or an end in itself. It prefers to have the organization stay in the background while the citizens as individuals become so influential for righteousness that all parties will stand for moral principles as a matter of course and di-

vide only upon questions of administration. It knows that the saloon on the corner is not our greatest menace, but rather the saloon enthroned in our government. Unseat the one and it will be easy to get rid of the other."[1]

The success of this policy is shown by the dry territory gained and the hatred of the liquor forces toward the League. Over two-thirds the area of New York State is now dry; twenty cities, using their new power given them under the City Local Option Law, voted last April to do away with the sale of liquor within their boundaries. Candidates of all parties running for the Assembly and State Senate are feeling the pressure of the prohibition sentiment that is demanding the ratification of the National Prohibition Amendment at Albany this winter (1918). This sentiment is so strong that practically every candidate who is not for the prohibition program (the ratification of the national amendment) tries to camouflage his liquor adherence by announcing that he *is* for prohibition—for the submission of a *state* amendment (which means no action for three or four years) or for a "referendum" on the question, which is the unconstitutional, ineffective, fraudulent program of the liquor interests.

[1] Extracts from *The Church in Action against the Saloon* by William H. Anderson, State Superintendent of the New York Anti-Saloon League.

The liquor forces themselves in statements published in brewery magazines and at open meetings give the credit for this situation to the non-partisan policy of the Anti-Saloon League.

THE NATIONAL PARTY—A NEW VOICE IN AMERICAN POLITICS

(By Florence Slown Hyde, Member National Executive Committee)

The National Party [1] is the concrete expression of the new spirit and conscience in American politics. It is the result of a profound conviction on the part of a goodly number of women and men from various existing parties and non-partisan groups, that the present national and world crisis demands the political union of all forward-looking citizens for the sane working out of social and economic readjustments out of which the new social order is to emerge.

The National party believes firmly in the necessity for the present war against German autocracy and militarism, and in convention pledged full support to President Wilson as the nation's executive in the prosecution of the war. We are for every political and industrial effort which will make the prosecution of the war more effective and its winning more speedy, including the conscription of wealth, all war profits

[1] The headquarters of the National party is 138 N. LaSalle St., Chicago, Ill.

and the taking over by the Government of all industries essential to the war. But the winning of the war will be lost for America unless we retain all the progress that has been made in coordinating and standardizing industry, and the elimination of duplication and competitive waste.

The National party advocates a program of political, industrial and international democracy with which few if any informed citizens will disagree. The great test ahead is not so much the winning of our citizenship to new ideals of democracy but the getting of the people who are agreed on vital issues to unite politically in support thereof.

The Democratic and Republican parties are hopelessly divided within themselves on all progressive issues having to do with the new social order. Neither party has ever been able to represent the whole nation. The Republican party has little support in the "solid South" while the sectionalism of Southern democracy dominates the Democratic party to the obstruction of any program designated to benefit the nation as a whole.

Industrial and social conditions which fill to overflowing more and more penal institutions, orphans' homes, and hospitals for the insane; which cause a constant increase in child delinquency and dependency, and which deny the great mass of producers a decent living for

themselves and their families are a menace not only to our democracy but to civilization itself. An economic system which makes possible the amassing of vast fortunes by certain individuals, while millions of children are under-nourished and must toil in shop or factory because of poverty, demands immediate reorganization. And such reorganization cannot be accomplished by a mere scratching of tickets.

Nothing short of a new political alignment can purge our national life of those reactionary and self-seeking influences which have all but sold the nation's birthright. The National party offers an adequate and practical basis for such an alignment. We appeal especially to the independent men voters of the country and to the women voters who are as yet unaligned with any party. If instead of dividing their votes among old party candidates who appear to be the "best" men, thereby helping to perpetuate the same old political machines, the women voters of the country will join the National party at once and not only support our candidates but help build the organization, they can speedily usher in a new day in American politics.

The National party offers to the women voters full equality in the management of its affairs as the constitution provides that the National Committee shall be composed of one man and one woman from each state. The Na-

tional party is the first political party in this country to elect a woman vice-chairman, in the person of Miss Marie C. Brehm, a well-known suffragist and prohibitionist. We have four women on our National executive committee, and several women on the advisory committee.

The National party regards equal suffrage as the first step toward the attainment of political democracy, and the first plank in our platform demands the submission of the Federal Suffrage Amendment and pledges the party to aid in the ratification campaigns. The short ballot, the initiative, referendum and recall, proportional representation and better election laws are advocated as means by which all the people may have an effective voice in their own government.

Prohibition of the liquor traffic, prison reform, uniform marriage and divorce laws, the extermination of polygamy, and the suppression of the white slave traffic are demanded, for without these aids to moral integrity there can be no political democracy. The National party believes that not only must we have Government ownership of railroads, telegraph and telephone systems and all basic and monopolistic industry, but that all natural resources such as coal and other minerals, timber, water power and land must be reclaimed for use and service to every citizen and no longer be exploited for speculation and private profit.

Food production must be encouraged by gov-

ernment aid to farmers or with the advent of peace the trend away from agrarian pursuits will be continued with its attendant shortage of food and higher prices. To this end the National party advocates the extension of the Federal Loan Law provisions, advances upon crops or products in storage, insurance of farm, stock and crops against natural calamities, federal inspection and grading of terminals of grain and other farm products, and freedom from taxation on personal property. Abolition of speculation in products and securities is also urged.

The National party platform outlines an inclusive program of labor legislation including the shortening of the work day, minimum wage, recognition of labor organizations, improved working conditions, abolition of child labor and adequate protection of women workers.

The international policy advocated in our platform and also in our "War Program" is designed to insure the world against a repetition of the present cataclysm, through the creation of an international tribunal for the settlement of disputes between nations, and the development of effective methods of enforcing the decisions of such a tribunal.

APPENDIX B

DECLARATION OF INDEPENDENCE

IN CONGRESS JULY 4, 1776

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed, by their Creator, with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and institute new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to

suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these Colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these

States; for that purpose obstructing the laws of naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely parallel in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do in the name, and by authority of the good people of these Colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, *free and independent States;* that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain, is, and ought to be, totally dissolved; and that as *free and independent States,* they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which *independent States* may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

Ordered:

That an authenticated copy of the Declaration of Independence, with the names of the members of Congress subscribing the same, be sent to each of the United States, and that they be desired to have the same put on record.

By order of Congress.

JOHN HANCOCK.
President.

Attest, CHAS. THOMSON, *Secy.*
A true copy. JOHN HANCOCK, *Presidt.*

APPENDIX C

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

(Went into operation first Wednesday in March, 1789)

We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

1. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

2. No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

* 3. [Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

5. The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

* Section 3.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one vote.]

2. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the

* The clause included in brackets is amended by the fourteenth amendment second section,

* The first paragraph of section three of Article I of the Constitution of the United States, and so much of paragraph two of the same section as relates to filling vacancies are amended by the seventeenth amendment to the Constitution.

first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments [until the next Meeting of the Legislature, which shall then fill such Vacancies.]

3. No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no Vote unless they be equally divided.

5. The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

6. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

7. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4.

1. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time

by Law make or alter such Regulations, except as to the Places of chusing Senators.

2. The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5.

1. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

2. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

3. Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

4. Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6.

1. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

2. No Senator or Representative shall, during the Time for

which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7.

1. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

2. Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

3. Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8.

The Congress shall have Power

1. To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

4. To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

5. To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

6. To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

7. To establish Post Offices and Post Roads;

8. To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

9. To constitute Tribunals inferior to the supreme Court;

10. To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

11. To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

12. To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

13. To provide and maintain a Navy;

14. To make Rules for the Government and Regulation of the land and naval Forces;

15. To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

16. To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the

Authority of training the Militia according to the discipline prescribed by Congress;

17. To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings;—and

18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9.

1. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

2. The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

3. No Bill of Attainder or ex post facto Law shall be passed.

* 4. No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

5. No Tax or Duty shall be laid on Articles exported from any State.

6. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

* See Sixteenth Amendment.

7. No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

8. No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10.

1. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit, make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts or grant any Title of Nobility.

2. No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

3. No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II.

Section 1.

1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:

2. Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

* [The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]

3. The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

---

* This clause has been superseded by the twelfth amendment.

4. No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

5. In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

3. The President shall, at stated times receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

7. Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION 2.

1. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

2. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of

the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

3. The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION 4.

1. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors.

ARTICLE III.

SECTION 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress

may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

SECTION 2.

1. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of Admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

2. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

3. The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where said Crimes shall have been committed; but when not committed within any State, the trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3.

1. Treason against the United States, shall consist only in levying War against them, or, in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted

of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

2. The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

Section 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2.

1. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

2. A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

3. No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States,

without the Consent of the Legislatures of the States concerned as well as of the Congress.

2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4.

1. The United States shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them against Invasion; and on application of the Legislature or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

1. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid

against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names,

G°. WASHINGTON
Presidt and deputy from Virginia

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

[The following amendments were proposed at the first session of the first congress of the United States, which was begun and held at the city of New York on the 4th of March, 1789, and were adopted by the requisite number of States.]

CONGRESS OF THE UNITED STATES.

Begun and held at the city of New York, on Wednesday, the 4th day of March, 1789.

The conventions of a number of the states having, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the government will best insure the beneficent ends of its institution:

Resolved, By the Senate and House of Representatives of the United States of America, in congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States; all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said constitution, namely:

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridg-

ing the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[The following amendment was proposed to the legislatures of the several states by the Third Congress on the 5th of

March, 1794, and was declared to have been ratified in a message from the President to Congress, dated Jan. 8, 1798.]

ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[The following amendment was proposed to the legislatures of the several states by the Eighth Congress on the 12th of December, 1803, and was declared to have been ratified in a proclamation by the Secretary of State, dated September 25, 1804.]

ARTICLE XII.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the

votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[The following amendment was proposed to the legislatures of the several states by the Thirty-eighth Congress on the 1st of February, 1865, and was declared to have been ratified in a proclamation by the Secretary of State, dated December 18, 1865.]

ARTICLE XIII.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

[The following amendment was proposed to the legislatures of the several states by the Thirty-ninth Congress on the 16th of June, 1866, and was declared to have been ratified in a proclamation by the Secretary of State, dated July 28, 1868.]

ARTICLE XIV.

SECTION 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the MALE inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office,

civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[The following amendment was proposed to the legislatures of the several states by the Fortieth Congress on the 27th of February, 1869, and was declared to have been ratified in a proclamation by the Secretary of State, dated March 30, 1870.]

ARTICLE XV.

SECTION 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2.

The Congress shall have power to enforce this article by appropriate legislation.

[The following amendment was proposed to the legislatures of the several States by the Sixty-first Congress on the 12th day of July, 1909, and was declared to have been ratified in a proclamation by the Secretary of State, dated February 25, 1913.]

ARTICLE XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

[The following amendment was proposed to the legislatures of the several States by the Sixty-second Congress on the 16th day of May, 1912, and was declared to have been ratified in a proclamation by the Secretary of State, dated May 31, 1913.]

ARTICLE XVII.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

INDEX

Absent voting, 49
See also *State Suffrage Qualifications table.*
Administrative bodies: cities, 109; N. Y. C., 103; state, 116, 118; U. S., 132, 134
Agrarian parties, 141
Agricultural parties, 141
Alameda County (Cal.), government, 121
Aldermen, board of, 99, 100, 101, 102, 109
Aliens, 13, 14, 22, 23, 26, 27, 41, 48
See also *State Suffrage Qualifications,* 50
Alternative transferable vote, 165
Amendments: State Constitutions, 169; U. S. Constitution, 135, 136
American Bar Association, Commission on uniform state laws, 171, 177
American Equal Rights Association formed, 31
American Woman Suffrage Association formed, 62
Anthony, Susan B., petition to Congress, 32
Anti-saloon League, work of, 215
Appointments, by Governor, 116, 122, 123; by president, 131, 136
Arkansas, no legislation in, 155
Ashtabula system.
See *Proportional representation.*
Assembly, state, 113
Australian ballot system, adopted, 160; defined, 161, 167

"Bad Woman" vote, 160
Ballot box, "stuffing," 157
Ballots: Australian, 160; counting, 158; headless, 162; Massachusetts, 162; party column, 162; secret, 161; various, 167; vest pocket, 161
Bicameral system, 113, 124, 129, 136
Bills.
See Legislation.
Bills of rights, federal, 129; State Constitutions, 111, 129
Bipartisan corruption, 147
Board of Aldermen, 99, 100, 101, 102, 109
Boards.
See *Administrative bodies.*
Bond suffrage, 67
See also *State Suffrage Qualifications table.*
"Boss," in parties, 145, 148
Brent, Margaret, demands vote in Maryland, 63
Business, in city government, 124

Cabinet, Illinois, 123; U. S., 130, 136
California counties, home rule, 121
Campaign expenses, 149; Colorado, corrupt practices acts, 148; Oregon, 149
Centralization of power, 123, 125, 127, 136
Charters, city, 97, 109
Checks and balances, general, 105, 112, 118; state, 124; U. S., 126, 136

Chicago, cost of government, 121; government of, 100, 109; number of elective officials, 120
Chicago elections, commissioners criticise, 156
Child labor.
See *Federal child labor law.*
Chinese, citizenship of, 47
Citizenship, "active," 22
by *jus sanguinis,* 21
by *jus soli,* 21
civil, 20, 27, 32
of married women, 14, 18, 19, 27
of women, 6, 15, 20
"passive," 22
political, 22
See also *Suffrage.*
City, administrative bodies, 109; business in government, 124
charter of, 96, 109
counties overlap, 120, 126
federal type of government, 95, 97, 100
forms of government, 99
government of, 109
home rule in, 98
in revolutionary period, 95
initiative and referendum in, 168
manager, 99, 107, 109
ordinances, 98
relation to state, 96, 109
City Council.
See *Board of Aldermen.*
Civil citizenship, defined, 32
Civil rights, federal, 21, 22, 23, 25, 27
married women, 22, 27
relation to political, 20, 22, 27, 32
See also *Appendices B and C.*
Civil Service, and political corruption, 145, 148; U. S., 134, 136
Civil suits, 179
Clark, Justice Walter, on U. S. Supreme Court and legislation, 176
Cleveland, (Ohio), government of, 104, 109
Colorado, campaign expenses in, 149
Commission government, 99, 105, 106, 109, 120, 124
Common council.
See *Board of Aldermen.*
Common Welfare, legislation, 176, 177
Compulsory voting, 163
Congress, U. S., 2, 129, 130, 136, 147, 173, 177
Constitution, U. S., Amendments XIII-XV, 129
as basis for suffrage, 28, 30, 37
bill of rights in, 129
federal elections, 34, 35, 37
how amended, 135, 136
legislation through, 128, 173, 176
on civil rights, 20, 23, 27
on negro suffrage, 28, 37, 41
powers of government, 127, 136
proposed federal suffrage amendment, 35, 37
test votes under its terms, 33, 35, 37
See also *Appendix C.*
Constitutions, state, amendments to, 169; difficulty of amending, 65; general, 111; limits legislature, 113, 127
Contest, election, 159
Conventions, political, 142, 149
Cook Co. (Ill.), 121, 150
Corrupt practices acts, 149
Corruption, party, 142, 147
Cost of elections, 74, 75, 76, 77, 78
Cost of government, U. S., 133
Counties, number, area and population of, 87
County, backwardness of, 120
boards, 88
functions, 88
government, in cities, 100
officials, 89
Courts, 178
Crime.
See *Courts.*
Criminals disfranchised, 46

"Dark Continent," applied to county, 120
Dayton, (Ohio), under city manager, 107
Defectum sexus.
See *Jury law.*
Delegates, state house of, 113
Democracy, 111, 119, 139
See also *Appendix B.*
Democracy, direct, 86, 94, 125
Democratic party, accomplishments and purposes, 189; control of South, 144; principles, 138
Departments.
See *Administrative bodies.*
Direct democracy, 86, 94, 125
Direct legislation, 104, 105, 113, 168, 177

Economic issues, in politics, 140
Educational tests, suffrage, 44
See also *State Suffrage Qualifications table.*
Election clerks, women, 74, 160
Election district, defined, 159
Election laws, enabling act, 72
Elections, Chicago Commissioners on, 156
complexity of, 156
compulsory voting, 163
congressional, 130
control of, by government, 149
control of, by politicians, 122
cost of, 74, 75, 76, 77, 78
description of, 158
indifferent voter, 163
local, importance of, 85
proportional representation, 165
registration for, 155
times of, 154
too many, 122, 125, 156
Elective officials, too many, 122, 125
Electorate, problems of, increased, 71, 78
"Enabling" laws, 72
Enrollment, for primaries, 72, 155; laws for women (N. Y.), 73

Equal suffrage states, women jurors in, 181, 182, 186
Equity Magazine
on proportional representation, 165
on three part government, 126
report on cities run by managers, 107
Executive department, city, 99; local, 94, 110; state, 112, 118 [131, 136
Executives: state, 122; U. S.,

Fairlie, J. A., on U. S. government, 136
Farmers.
See *Agricultural parties.*
Federal bills of rights, 128
Federal checks and balances, 126, 136
Federal child labor law, 174
Federal civil rights, 21, 22, 23, 26
Federal Congress, 129, 130, 136, 147, 173, 177
Federal Elections Committee, 34, 37
Federal government administrative bodies, 132, 134
contrast with local, 135
cost of, 133
form of, 126, 136
judiciary, 178
relation to citizen, 110
relation to state, 127; scope of, 127, 136
Federal legislation, 170, 173, 176, 177
Federal type, city government, 96, 98, 100, 109
Federal woman suffrage amendment, history of, 2, 31, 35, 37
in House, 1918, 2; Pres. Wilson on, 3
ratification, 1, 6; Senate, 1918, 2, 6
Federalists, 138
Federation, U. S. government a, 136
"First paper" voters, 22, 23, 48
See also *State Suffrage Qualifications table.*

Foreign born.
See *Aliens.*
Free silver party, 141
Free trade, 140

Galveston, (Tex.), government of, 105, 109
Georgia, has no Australian ballot, 161
Gerrymandering, 143
Government, by representatives, 113
cost of, 110, 120, 133
county, 120
defects, 119
democracy in, 119
efficiency of, 119
of Chicago, 100, 109
of Galveston, 105, 109
of Illinois, 123
of Los Angeles County, 120
of New England towns, 81
of Philadelphia, 100, 109
parties and, 137
three parts of, 93, 97
United States, 126, 133, 136
Governmental units, 79, 94
Governor, defects in his function, 120, 125
messages, 122
proposed increased appointive power, 122, 125
powers, 116, 117, 118
relation to legislation, 112, 116, 118
salary, 117, 123
term, 116
veto power, 116, 118
Grand jury, 180
"Grandfather clause" (suffrage), 42
See also *State Suffrage Qualifications table.*
"Grandfather's coat," 126
Greenback party, 141

Haines, Lynn, on party corruption, 146
Home rule, in cities, 98; in counties, 121
Honest Ballot Association, 146

Idaho, women jurors, 181
Idiots disfranchised, 45
Illinois, cabinet, 123; cost of elections, 74
government of, 123
polling places for women, 73
Independent voting, 163
Indians, citizenship of, 47
Indictments, 180
"Indifferent voter," 153
"Infant industries," 140
Initiative, 104, 109, 113, 125, 168, 169
Insane disfranchised, 45

Judicial department, 94, 99, 112, 118, 178, 179
Judiciary.
See *Judicial department.*
Judiciary, federal, passes on legislation, 131, 136
Jurors, women, 181, 182
Jury, function of, 180
grand, 180
in Magna Charta, 180
law, 181, 183, 184, 185
petit, 180
women on, 180, 182

Kansas, women jurors, 182
Kentucky, Australian ballot in, 160

Labor.
See *Socialist party.*
Law, enforcement, 178
Laws, number of, 115, 124, 172, 177
See also *Legislation.*
Legislation, city, 109
counties, 121
democratic control of, 125
direct, 113, 168, 177
federal, 127, 130, 131, 136, 170, 173, 177
initiative and referendum, 168, 170, 177
judiciary passes on, 112, 131
local, 94
methods of, 168, 177
on jury duty, 183, 184
state, 112, 115, 116, 118, 169, 171, 177

Legislative powers, of federal government, 127, 130, 136; of local governments, 111; of state, 111, 118, 124
Legislators, in states, 124, 127
Legislatures, in cities, 99; law-making by, 168, 172, 177; local, 94
parties in, 143
state, 113, 115, 118, 124, 125, 129
See also *Congress*.
Lisle (U. S.) election, 72
Local government, contrast with federal, 133
cost of, 110
defects, 119; description of, 79, 81, 94
relation to state, 97, 110
state laws regulating, 112
Local suffrage, 67
See also *State Suffrage Qualifications table*.
Long ballot, 121, 125
Los Angeles County, government of, 120

"Machines."
See *Parties*
Macy, Prof. Jesse, on primaries, 150
Mail voting.
See *Absent voting*.
Majority voting, 165, 167
Manager, city, 99, 107, 109
Married women, citizenship, 14, 18, 19, 27
Mayor, 99, 101, 102, 104, 106
Michigan, home rule in, 121
Minnesota, non-partisan legislature, 143
Minor, Francis, defends women's vote under U. S. Constitution, 33, 37
Minor, Virginia, votes, 33, 37
Minor *vs.* Happersett, 33, 37
Monopolies, 140
Moody, Deborah, first woman voter, 63
Moral tests, suffrage, 45, 47
Municipal government.
See *City*.
Municipal suffrage, 64, 67.
See also *State Suffrage Qualifications table*.

National American Woman Suffrange Association, formed, 62
National Municipal Review report on commission governed cities, 106
National party, 142, 220
National Voters' League, 146
Naturalization, 13, 17, 20, 27, 128
Negro: enfranchisement, 41; State constitutions disfranchise, 42; U. S. Constitution in, 128
See also *State Suffrage Qualifications table*.
Nevada, women jurors, 182
New England town government, 81
New Mexico, no primaries in, 150, 153
New Republic, on state government, 123
New York City, government of, 100, 102, 108, 109
laws governing, 97
relation to county government, 120
New York State, administrative bodies, 116, 118
officials, 99
primary vote, 152
women enroll for suffrage, 7
women juror law introduced, 185
Nomination, by petition, 104, 148; presidential, 151
See also *Primaries*.
Non-partisan league, 141
Non-partisanship, Cleveland, 104
in elections, 84, 155
in Minnesota, 143

Officials, City, 96, 99, 108, 109
election, women as, 160, 167
in Chicago, 120
local, 82, 84, 89, 91, 92
revolutionary national government, 95

Officials, State, 116, 118
too many elective, 121
U. S., 131, 133, 136
Ohio, presidential suffrage withdrawn, 67
Oklahoma, "grandfather clause" in, 43
Oleomargarine Case, U. S. Supreme Court, 173
Ordinances, city, 98; local, 168, 177
See also *Legislation.*
Oregon, campaign expenses in, 149
Overlapping, of local officials, 125; none in U. S. government, 134

Pairing.
See *Congress.*
Parties, bipartisanship, 147
bosses, 145
committees, 142
conventions, 142, 149, 153
corruption in, 145, 146
definition, 137, 153
function, 137, 153
legislation in, 148
"machines" in, 145
major, 139, 144
minor, 140
organization of, 142
primaries in, 150
public opinion, 140
relation to government, 137, 138
remedies for corruption, 148
"rings" in, 145
"slates," 150
Patronage, party, 145
People, the, *vs.* favored classes, 139
Petit jury, 180
Philadelphia, government of, 100, 108, 109
Phosphorus law, 173
Planks.
See *Parties.*
Platforms: democratic, 189; national, 220; prohibition, 210; republican, 196; socialist, 202; various, 138, 153
Plurality voting, 165, 167
Political corruption, state, 121
Political rights, 22, 27
See also *Citizenship and Suffrage.*
Politics.
See *Parties.*
Poll tax, as suffrage test, 39; prepayment of, 40
See also *State Suffrage Qualifications table.*
Polling places, 71, 157, 159
Polls.
See *Polling places.*
Population, cities, 95
rural, 96
towns, 83
villages, 83
Populist party, 141
"Pork," 147
Preferential primaries.
See *Primaries.*
Preferential voting, 165
President, 131, 132, 136, 151
Presidential electors, 133, 136
Presidential preference, primaries, 151
Presidential suffrage, 67
See also *State Suffrage Qualifications table.*
Primaries, direct, 7, 149, 150, 151, 152, 153
Primary suffrage 67
See also *State Suffrage Qualifications table.*
Progressive party, 141
Prohibition, women's vote on, 72
Prohibition party, 141, 211
Property as suffrage test, 39
Proportional representation, 165
Public opinion and parties, 141
Pure food law, 174

Qualification for vote, in the states, 38-50

Rankin, Jeannette, on woman's citizenship, 18
Ratification of federal suffrage, 38
Ray, P. O., on Cook Co. (Ill.) convention, 149

Ray, P. O., on independent voting, 163
Recall, 104, 106, 108, 109, 113, 125
Referenda on woman suffrage, 65, 66
Referendum, 104, 108, 109, 113, 125, 168, 170, 177
Registration, 155, 156, 167
Regulation of suffrage states, 38-50
Representative government, 113
Representatives, state, 113
  For U. S. see *Congress.*
Republican party, 139, 196
Residence tests, suffrage, 48
  See also *State Suffrage Qualifications table.*
Responsibility of officials, city, 102, 108, 109; state, 122 125; U. S., 135
Revenue laws, state, 115
Rights of man.
  See *Appendix B.*
"Rings."
  See *Parties.*

San Francisco County—city ballot, 121
School district, 80, 95
School polling place, 159
School suffrage, 64
  See also *State Suffrage Qualifications table.*
"Searchlight on Congress," 147
Secret ballot, 161
Senate, 113, 114
  See also *Congress.*
Sessions, State legislatures, 114
Sex, as bar to jury duty, 28, 183, 184
Short ballot, 99, 105, 122, 125, 131, 136, 155
Single tax party, 141
"Slates," party, 121, 150
Slavery, 129, 139
Social legislation, 173, 176, 177
Socialist party, 141, 202
Southern States, control by Democrats, 144; voting tests, 42
Sovereignty, 110, 118, 126
Speaker, State legislature, 115
Stanton, Elisabeth Cady, petition to Congress, 82
State, administrative boards, 116, 117, 118
  Assembly, 113
  centralized government, 127, 133
  checks and balances, 124
  constitutions, amendments, 169
  contrast with U. S. government, 126, 136
  cost of government, 110
  government, 112, 118, 122, 125
  governor, 116, 117, 118
  judiciary, 178
  legislative bodies, 113, 118
  legislative power, 111, 124
  manager, 123
  reforms in government, 123, 125
  relation to citizen, 110
  relation to city, 108, 109
  relation to local governments, 96
  relation to U. S., 127, 129, 131, 136
  uniform legislation in, 171, 177
State Suffrage, educational tests, 44
  qualifications, 50
States rights, 128, 138, 144, 173
Statutes.
  See *Laws.*
Suffrage, and democracy, 77
  defined, 21, 22
  negro, 41, 42
  relation to U. S. Constitution, 28, 30, 38
  State regulation of, 38, 50
  See also *Political Rights, Citizenship* and *State Suffrage Qualifications.*
Sumner, Charles, on suffrage and U. S. Constitution, 29
Sumter (N. C.), 107, 108, 109
Supreme Courts, federal, 131, 136, 174, 180; state, 179
"Susan B. Anthony Amendment," 35

Tammany, 145
Tariff, as party issue, 140
Tax, as suffrage test, 39; suffrage, 67
See also *State Suffrage Qualifications table.*
Texas, no registration, 155
women at primaries, 7, 152
Three part government, 94, 99, 105, 112, 118, 124
Town.
See *Township.*
Township, 80, 81, 94
Trusts, 140
Tweed ring, 145, 146

Uniform state laws, 171, 177
United States government.
See *Federal government.*
Utah, women jurors, 182

Veto power, governor, 116, 118
president, 131, 136
Village, 83, 94
Village elections (N. Y.), 84
Vote, women's, significance of, 7
Voter, illiterate, 161
indifferent, 152, 153, 163
Voters, "active" citizens, 22
number of, 67
women, character of, 160
women, in Texas, 7, 152
women, number in U. S., 62, 163
See also *Suffrage* and *State Suffrage Qualifications table.*
Voting, absent, 49
alternative, 165
compulsory, 163
individual choice in, 163
majority, 165, 167
plurality, 165, 167
Voting, proportional representation, 165
transferable vote, 165
See also *Ballot, Elections* and *Voters.*
Voting machine, 157

War work, of women, 4, 8
Washington, women jurors, 182
Wilson, President, on federal suffrage amendment, 3
recommends federal direct primary law, 151
State, The, 111
Women jurors, 181, 182, 185, 186
Woman suffrage, as a war measure, 4, 8
bills in state legislatures, 64
Canada, 2
demand for, 5, 6, 7
democracy and, 3, 4
extent of, U. S., 13, 62
federal amendment for, 31, 34, 35, 37
full in U. S., 66
in France, 3
in Great Britain, 2
in Italy, 3
partial in U. S., 64
political parties and, 5
polling places, 159
significance of, 7
spread of, 62
See also *School suffrage, Local suffrage, Municipal suffrage, Presidential suffrage, Primary suffrage* and *State Suffrage Qualifications.*
Wyoming, county officials, 91; women jurors, 183

Yarbrough case, 34, 37
"Your Congress," 147

AUG 3 0 1938